

**MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA
FEBRUARY 17, 1992**

Meeting convenes at 10:00 a.m., Monday, February 17, in the fourth floor conference room.

Public Participation	10:30 a.m.
Break	3:00 p.m.

APPOINTMENTS:

<i>Contested Case -- Key City Coal Gas Site (Item #14)</i>	1:00 p.m.
<i>Amana Colonies Golf Course (Item 15-H)</i>	2:00 p.m.
Central Baptist Church (Item #16-B)	1:30 p.m. - <i>withdrew appointment</i>

1. Approve Agenda.
2. Approve Minutes of January 21, 1992.
3. Director's Report. (Wilson) Information.
4. Financial Status Report. (Kuhn) Information.
5. Notice of Intended Action--Chapter 101, Submittal Schedule for Solid Waste Comprehensive Plans. (Hay) Decision.
6. Monthly Reports. (Stokes) Information.
7. Final Rule--Chapter 134, Registration of Groundwater Professionals. (Stokes) Decision.
8. Final Rule--Chapter 136, Underground Storage Tanks, New Financial Responsibility Date for Local Governments. (Stokes) Decision
9. Proposed Rule--Chapter 136, New Financial Assurance Compliance Date for Petroleum Underground Tank Owners with 1-12 Tanks. (Stokes) ~~Decision~~ *Information*
10. Final Rule--Chapter 61, Stream Use Designation: South Skunk River - Vicinity of Ames. (Stokes) Decision.
11. Proposed Rule--Chapter 92, State Revolving Fund Loans for Wastewater Treatment. (Stokes) Information.

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12. **Proposed Emergency Adopted Rule--Chapter 135 Amendments, Technical Standards for Underground Storage Tanks. (Stokes) Decision.** *Information.*
13. **Contested Case Appeal--IBP, Inc. (Stokes) Decision.**
14. **Contested Case Appeal--Key City Coal Gas Site. (Stokes) Decision.**
15. **Referrals to the Attorney General. (Stokes) Decision**
 - (a) **Rottler Farms (Butler County)**
 - (b) **Central Baptist Church (Council Bluffs)**
 - (c) **John Hosch (Jones County)**
 - (d) **Vincent Martinez (Davenport)**
 - (e) **Vernus Wunschel (Ida Grove)**
 - (f) **Dilts Trucking, Inc. (Crescent)**
 - (g) **Fred Boley, d/b/a/ Boley Oil (McCausland)**
 - (h) **Amana Colonies Golf Course, Inc. (Middle Amana)**
16. **General Discussion** *Electromagnetic Fields Seminar Report - Commissioner Siebenmann*
17. **Address Items for Next Meeting.**

NEXT MEETING DATES:

March 16, 1992

April 20, 1992

May 18, 1992

ENVIRONMENTAL PROTECTION COMMISSION

Monday, February 17, 1992

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Amy Christensen-Conch	Wasker Sullivan & Ward	Des Moines
DAN VEST	GROU MARK	BLOOMINGTON, IL.
Rick Kelley	UHL	DAK
Jane McAlister	Adler's Law Firm	DSM
Hollie DeVoe	ECOCLOGY ENTERPRISES, INC	OELWEIN
JAY DILLAVAN	IOWA POWER	DES MOINES
Chuck Becker	Belin Law Firm	Des Moines
Buck Grehns	Davis Law Firm	Des Moines
John Kirsch	CR Gazette	

RECORD COPY
File Name ADM-1-H EPC Meeting
Senders Initials Feb 17, 1992
JG.

Minutes of the Environmental Protection Commission Meeting

February 17, 1992

Wallace State Office Building, Des Moines, Iowa

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FEBRUARY 1992 COMMISSION MEETING

The meeting of the Environmental Protection Commission was held in the Wallace State Office Building, Des Moines, Iowa, convening at 10:00 a.m. on February 17, 1992.

MEMBERS PRESENT

Verlon Britt, William Ehm, Richard Hartsuck, Rozanne King, Charlotte Mohr, Gary Priebe, Nancy Lee Siebenmann, and Clark Yeager.

MEMBERS ABSENT

Margaret Prah

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

Add: Appointment - Key City Coal Gas Site (Item #14) - 1:00 p.m.

Add: Appointment - Amana Colonies Golf Course (Item 15-h) - 2:00 p.m.

Delete: Appointment for Central Baptist Church

Add: Report on Electromagnetic Fields Seminar-Commissioner Siebenmann

Motion was made by Charlotte Mohr to approve the agenda as amended. Seconded by Nancy Lee Siebenmann. Motion carried unanimously.

ADOPTION OF MINUTES

Motion was made by Charlotte Mohr to approve the minutes of January 21, 1992, as presented. Seconded by Gary Priebe. Motion carried unanimously.

DIRECTOR'S REPORT

Director Wilson stated that Item 12 will be discussed today and the Commission will be asked to be available on Thursday, February 20, for a teleconference meeting to approve the rules. He added that it is necessary to do that to get the program underway. All Commissioners present, with the exception of Charlotte Mohr, indicated they will be available for the teleconference.

FINANCIAL STATUS REPORT, YTD DIVISION EXPENDITURES

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached for your information is the Year-To-Date division expenditure status report as of 1/31/92.

The total budget and the YTD budget amounts are based on the initial approved FY92 budget. The dollars saved by the Reduction-in-Force (RIF) have not been deducted from the budget. The Department of Management is submitting a bill to deappropriate the RIF General fund dollars from agency appropriations. For DNR, this means that the budgets reflected in this report will be reduced by a total of \$464,500 if the deappropriation bill is passed as recommended by the Governor.

The Governor's recommendation for the DNR from the General fund reflects a \$5.0 million decrease in REAP funding and a \$127,000 reduction in funding from the General fund for operations relating to reducing management positions. The recommendations for EPD and WMD were the same amounts as requested by the DNR.

Since last month, the DNR has received authority to fill thirteen full time vacancies including five in EPD and two in WMD. The staff will attempt to answer any additional questions the commissioners may have regarding current budget status and the Governor's recommendations at the meeting.

(Reports are shown on the following three pages)

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 01/31/92

	TOTAL EXPENDITURES 01/01/92 - 01/31/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
1000 DIRECTOR'S OFFICE					
101 PERSONAL SERVICES	17,789.74	103,650.79	97,726.00	5,925.00	167,531.00
202 IN-STATE TRAVEL	1,830.01	11,612.17	21,583.00	9,971.00-	37,000.00
205 OUT-STATE TRAVEL	0.00	595.00	1,750.00	1,155.00-	3,000.00
301 OFFICE SUPPLIES	244.61	941.49	1,166.00	225.00-	2,000.00
303 EQUIPMENT MAINTENANCE SUP	351.60	615.43	437.00	178.00	750.00
308 OTHER SUPPLIES	0.00	38.17	700.00	662.00-	1,200.00
309 PRINTING & BINDING	1,149.40	6,398.55	8,166.00	1,767.00-	14,000.00
401 COMMUNICATIONS	397.18	2,674.82	1,750.00	925.00	3,000.00
406 OUTSIDE SERVICES	0.00	1,680.22	1,166.00	514.00	2,000.00
410 DATA PROCESSING	0.00	696.59	2,800.00	2,103.00-	4,800.00
414 REIMBURSEMENTS TO OTHER A	72.88	139.80	437.00	297.00-	750.00
501 EQUIPMENT	4,892.96	5,262.18	2,259.00	3,003.00	3,874.00
DIVISION TOTAL	26,728.38	134,305.21	139,940.00	5,635.00-	239,905.00

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2000 COORDINATION AND INFORMATION					
101 PERSONAL SERVICES	91,367.96	700,997.25	748,480.00	47,484.00-	1,283,115.00
202 IN-STATE TRAVEL	600.48	7,574.84	12,828.00	5,254.00-	22,000.00
203 STATE VEHICLE OPERATION	266.43	3,586.01	5,086.00	1,500.00-	8,721.00
204 STATE VEHICLE DEPRECIATIO	655.00	5,085.00	7,268.00	2,183.00-	12,460.00
205 OUT-STATE TRAVEL	0.00	2,220.18	5,103.00	2,883.00-	8,750.00
301 OFFICE SUPPLIES	2,718.41	58,675.57	59,701.00	1,026.00-	102,350.00
302 FACILITY MAINTENANCE SUPP	286.23	3,181.70	2,333.00	848.00	4,000.00
303 EQUIPMENT MAINTENANCE SUP	719.73	1,527.88	1,750.00	222.00-	3,000.00
308 OTHER SUPPLIES	1,604.97	26,008.45	37,361.00	11,352.00-	64,055.00
309 PRINTING & BINDING	13,925.85	161,283.29	209,760.00	48,477.00-	359,593.00
312 UNIFORMS & RELATED ITEMS	165.71	301.48	350.00	48.00-	600.00
401 COMMUNICATIONS	2,616.94	16,974.93	16,100.00	874.00	27,600.00
402 RENTALS	0.00	323.46	291.00	32.00	500.00
403 UTILITIES	35.53	109.26	437.00	328.00-	750.00
405 PROF & SCIENTIFIC SERVICE	0.00	50.00	4,083.00	4,033.00-	7,000.00
406 OUTSIDE SERVICES	1,434.03	17,499.24	34,416.00	16,915.00-	59,000.00
410 DATA PROCESSING	1,562.00	5,933.29	7,845.00	1,912.00-	13,450.00
414 REIMBURSEMENTS TO OTHER A	443.39	1,623.99	2,916.00	1,292.00-	5,000.00
501 EQUIPMENT	606.61	2,679.06	6,241.00	3,561.00-	10,700.00
DIVISION TOTAL	119,009.27	1,015,634.88	1,162,349.00	146,716.00-	1,992,644.00

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3000 ADMINISTRATIVE SERVICES DIV.					
101 PERSONAL SERVICES	269,529.28	2,084,947.31	2,305,023.00	220,077.00-	3,951,473.00
202 IN-STATE TRAVEL	2,633.05	31,894.73	32,664.00	769.00-	56,000.00
203 STATE VEHICLE OPERATION	3,356.76	31,832.86	35,291.00	3,458.00-	60,500.00
204 STATE VEHICLE DEPRECIATIO	5,805.00	40,560.00	43,283.00	2,723.00-	74,200.00
205 OUT-STATE TRAVEL	0.00	831.50	757.00	75.00	1,300.00
301 OFFICE SUPPLIES	46,821.75	200,767.04	197,513.00	3,253.00	338,600.00
302 FACILITY MAINTENANCE SUPP	0.00	321.20	583.00	262.00-	1,000.00
303 EQUIPMENT MAINTENANCE SUP	7,320.99	23,964.01	30,331.00	6,367.00-	52,000.00
308 OTHER SUPPLIES	647.66	8,141.42	6,822.00	1,319.00	11,700.00
309 PRINTING & BINDING	240.00	4,299.85	12,421.00	8,121.00-	21,300.00
312 UNIFORMS & RELATED ITEMS	341.84	1,233.04	1,866.00	633.00-	3,200.00
401 COMMUNICATIONS	9,099.78	53,173.80	46,548.00	6,628.00	79,800.00
402 RENTALS	0.00	369.25	291.00	78.00	500.00
406 OUTSIDE SERVICES	9,197.60	19,168.29	30,272.00	11,104.00-	51,900.00
408 ADVERTISING & PUBLICITY	0.00	101.50	291.00	190.00-	500.00
410 DATA PROCESSING	27,386.45	91,111.86	62,123.00	28,989.00-	106,500.00
412 AUDITOR OF STATE REIMBURS	0.00	35,636.00	49,583.00	13,947.00-	85,000.00
414 REIMBURSEMENTS TO OTHER A	7,748.88	15,538.73	24,790.00	9,251.00-	42,500.00
501 EQUIPMENT	2,868.86	14,220.61	102,082.00	87,862.00-	175,000.00
701 LICENSES	0.00	100.00	29.00	71.00	50.00
DIVISION TOTAL	392,997.90	2,658,213.00	2,982,563.00	324,351.00-	5,113,023.00

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4000 PARKS, PRES. & RECREATION DIV.					
101 PERSONAL SERVICES	317,335.95	3,100,090.95	3,251,104.00	151,013.00-	5,573,330.00
202 IN-STATE TRAVEL	1,775.77	39,974.26	49,344.00	9,370.00-	84,599.00
203 STATE VEHICLE OPERATION	14,848.73	115,699.40	112,289.00	3,411.00	192,500.00
204 STATE VEHICLE DEPRECIATIO	24,345.00	167,585.00	135,738.00	31,847.00	232,697.00
205 OUT-STATE TRAVEL	0.00	2,275.92	2,574.00	298.00-	4,415.00
301 OFFICE SUPPLIES	3,677.14	19,346.65	27,967.00	8,621.00-	47,950.00
302 FACILITY MAINTENANCE SUPP	22,940.96	252,686.62	245,816.00	6,870.00	421,404.00
303 EQUIPMENT MAINTENANCE SUP	17,271.11	166,368.55	168,727.00	2,358.00-	289,250.00
307 AG., CONSERVATION & HORT S	88.38	3,429.03	12,341.00	9,112.00-	21,500.00
308 OTHER SUPPLIES	1,768.20	19,615.81	22,568.00	2,952.00-	38,694.00
309 PRINTING & BINDING	565.15	3,313.84	17,790.00	14,475.00-	30,500.00
312 UNIFORMS & RELATED ITEMS	4,596.42	24,113.16	30,099.00	5,986.00-	51,602.00
401 COMMUNICATIONS	6,563.80	51,158.92	57,749.00	6,591.00-	99,002.00
402 RENTALS	92.26	16,149.24	16,537.00	388.00-	28,350.00
403 UTILITIES	27,278.60	249,966.66	220,760.00	29,206.00	378,451.00
405 PROF & SCIENTIFIC SERVICE	12,456.50	16,266.50	49,614.00	33,348.00-	85,055.00
406 OUTSIDE SERVICES	11,445.36	109,737.22	124,247.00	14,509.00-	213,000.00
408 ADVERTISING & PUBLICITY	428.22	438.88	1,195.00	756.00-	2,050.00
410 DATA PROCESSING	0.00	1,484.06	5,831.00	4,348.00-	10,000.00
414 REIMBURSEMENTS TO OTHER A	12,562.15	14,916.26	3,207.00	11,709.00	5,500.00
501 EQUIPMENT	6,292.03	49,605.04	76,415.00	26,810.00-	131,000.00
602 OTHER EXPENSES & OBLIGATI	0.00	5,264.36	1,574.00	3,690.00	2,700.00
DIVISION TOTAL	486,331.73	4,429,486.33	4,633,686.00	204,202.00-	7,943,549.00

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 01/31/92

	TOTAL EXPENDITURES 01/01/92 - 01/31/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
5000 FORESTRY DIVISION					
101 PERSONAL SERVICES	116,114.20	960,770.51	1,144,596.00	183,825.00-	1,962,174.00
202 IN-STATE TRAVEL	1,494.80	20,149.92	29,708.00	9,558.00-	50,939.00
203 STATE VEHICLE OPERATION	7,031.88	47,599.81	43,746.00	3,852.00	75,000.00
204 STATE VEHICLE DEPRECIATIO	11,035.00	73,335.00	63,920.00	9,415.00	109,580.00
205 OUT-STATE TRAVEL	0.00	1,458.36	1,750.00	292.00-	3,000.00
301 OFFICE SUPPLIES	922.86	11,399.03	12,072.00	673.00-	20,700.00
302 FACILITY MAINTENANCE SUPP	3,011.43	26,240.79	22,456.00	3,785.00	38,500.00
303 EQUIPMENT MAINTENANCE SUP	1,239.90	25,149.27	33,890.00	8,740.00-	58,100.00
307 AG., CONSERVATION & HORT S	6,819.52	107,937.09	52,044.00	55,893.00	89,223.00
308 OTHER SUPPLIES	6,661.48	9,477.54	28,873.00	19,395.00-	49,500.00
309 PRINTING & BINDING	500.20	4,668.85	9,563.00	5,097.00-	16,400.00
312 UNIFORMS & RELATED ITEMS	1,145.06	6,234.76	9,388.00	3,153.00-	16,100.00
401 COMMUNICATIONS	2,845.68	20,203.33	20,295.00	91.00-	34,800.00
402 RENTALS	4,453.10	11,454.35	17,499.00	6,045.00-	30,000.00
403 UTILITIES	3,713.72	14,849.62	18,957.00	4,106.00-	32,500.00
405 PROF & SCIENTIFIC SERVICE	1,169.75	1,338.25	44,333.00	42,995.00-	76,000.00
406 OUTSIDE SERVICES	919.73	17,551.63	23,623.00	6,071.00-	40,500.00
408 ADVERTISING & PUBLICITY	0.00	1,631.26	524.00	1,107.00	900.00
410 DATA PROCESSING	0.00	699.43	640.00	59.00	1,100.00
501 EQUIPMENT	5,296.06	55,995.40	87,523.00	31,527.00-	150,043.00
DIVISION TOTAL	174,374.37	1,417,942.20	1,665,400.00	247,457.00-	2,855,059.00

IOWA DEPARTMENT OF NATURAL RESOURCES
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AS OF 01/31/92

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6000 ENERGY & GEOLOGICAL RESOURCES					
101 PERSONAL SERVICES	164,421.67	1,273,013.95	1,420,114.00	147,102.00-	2,434,505.00
202 IN-STATE TRAVEL	1,274.62	14,819.21	29,072.00	14,253.00-	49,854.00
203 STATE VEHICLE OPERATION	1,448.07	13,273.30	15,166.00	1,893.00-	26,000.00
204 STATE VEHICLE DEPRECIATIO	2,445.00	17,115.00	17,325.00	210.00-	29,700.00
205 OUT-STATE TRAVEL	1,649.95	6,058.41	8,661.00	2,602.00-	14,850.00
301 OFFICE SUPPLIES	1,546.91	7,709.31	9,106.00	1,395.00-	15,629.00
302 FACILITY MAINTENANCE SUPP	0.00	87.30	786.00	698.00-	1,350.00
303 EQUIPMENT MAINTENANCE SUP	286.25	6,712.29	8,456.00	1,744.00-	14,500.00
304 PROF. & SCIENTIFIC SUPPL	12,326.36	14,477.54	15,631.00	1,154.00-	26,800.00
308 OTHER SUPPLIES	1,974.75	23,791.87	22,663.00	1,129.00	38,861.00
309 PRINTING & BINDING	195.00	5,885.86	23,411.00	17,525.00-	40,145.00
401 COMMUNICATIONS	2,591.43	16,802.22	19,979.00	3,178.00-	34,260.00
402 RENTALS	0.00	1,285.00	1,400.00	115.00-	2,400.00
403 UTILITIES	1,050.03	5,194.52	7,684.00	2,489.00-	13,175.00
405 PROF & SCIENTIFIC SERVICE	43,051.91	342,154.89	443,691.00	101,537.00-	760,620.00
406 OUTSIDE SERVICES	1,373.85	27,322.38	13,867.00	13,457.00	23,785.00
408 ADVERTISING & PUBLICITY	0.00	198.85	0.00	199.00-	0.00
410 DATA PROCESSING	0.00	5,712.91	10,262.00	4,549.00-	17,600.00
414 REIMBURSEMENTS TO OTHER A	797.50	2,116.55	3,736.00	1,617.00-	6,415.00
501 EQUIPMENT	1,283.97	48,116.81	88,443.00	40,327.00-	151,623.00
DIVISION TOTAL	237,717.27	1,831,848.17	2,159,453.00	327,603.00-	3,702,072.00

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 01/31/92

	TOTAL EXPENDITURES 01/01/92 - 01/31/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
7000 ENVIRONMENTAL PROTECTION DIV.					6,870,143.00
101 PERSONAL SERVICES	465,934.42	3,557,862.74	4,007,569.00	449,704.00-	115,050.00
202 IN-STATE TRAVEL	2,612.40	34,404.76	67,102.00	32,698.00-	62,200.00
203 STATE VEHICLE OPERATION	2,765.72	23,672.42	36,282.00	12,609.00-	66,000.00
204 STATE VEHICLE DEPRECIATIO	5,105.00	33,570.00	38,499.00	4,929.00-	32,000.00
205 OUT-STATE TRAVEL	1,397.25	19,861.50	18,664.00	1,197.00	54,050.00
301 OFFICE SUPPLIES	5,114.14	31,074.99	31,520.00	445.00-	2,500.00
302 FACILITY MAINTENANCE SUPP	46.92	632.33	1,457.00	825.00-	11,000.00
303 EQUIPMENT MAINTENANCE SUP	375.68	4,655.99	6,415.00	1,760.00-	1,000.00
304 PROF. & SCIENTIFIC SUPPL	0.00	35.12	583.00	548.00-	22,450.00
308 OTHER SUPPLIES	2,086.26	14,773.17	13,090.00	1,684.00	43,600.00
309 PRINTING & BINDING	3,332.35	15,874.30	25,426.00	9,551.00-	4,000.00
312 UNIFORMS & RELATED ITEMS	0.00	640.78	2,332.00	1,690.00-	110,700.00
401 COMMUNICATIONS	9,819.07	60,664.87	64,574.00	3,909.00-	55,200.00
402 RENTALS	3,236.67	30,089.50	32,199.00	2,110.00-	15,100.00
403 UTILITIES	3,681.55	9,272.18	8,808.00	464.00	897,187.00
405 PROF & SCIENTIFIC SERVICE	203,879.07	492,608.77	523,354.00	30,745.00-	43,470.00
406 OUTSIDE SERVICES	2,632.97	15,828.66	25,355.00	9,528.00-	10,000.00
408 ADVERTISING & PUBLICITY	685.18	2,793.86	5,831.00	3,038.00-	136,140.00
410 DATA PROCESSING	0.00	49,119.72	79,407.00	30,287.00-	26,900.00
414 REIMBURSEMENTS TO OTHER A	3,275.99	9,104.76	15,684.00	6,578.00-	440,760.00
501 EQUIPMENT	32,866.07	121,965.54	257,105.00	135,139.00-	
DIVISION TOTAL	748,846.71	4,528,505.96	5,261,256.00	732,748.00-	9,019,450.00

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 01/31/92

	TOTAL EXPENDITURES 01/01/92 - 01/31/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
8000 FISH AND WILDLIFE DIVISION					11,183,655.00
101 PERSONAL SERVICES	815,930.40	6,236,643.10	6,523,778.00	287,138.00-	311,671.00
202 IN-STATE TRAVEL	20,840.94	175,234.13	181,792.00	6,558.00-	457,959.00
203 STATE VEHICLE OPERATION	46,305.87	300,940.83	267,130.00	33,810.00	713,260.00
204 STATE VEHICLE DEPRECIATIO	59,115.00	400,445.00	416,063.00	15,618.00-	25,000.00
205 OUT-STATE TRAVEL	288.69	5,687.87	14,582.00	8,894.00-	187,620.00
301 OFFICE SUPPLIES	17,887.12	116,850.32	109,434.00	7,414.00	331,144.00
302 FACILITY MAINTENANCE SUPP	25,047.23	117,672.21	193,153.00	75,480.00-	349,652.00
303 EQUIPMENT MAINTENANCE SUP	15,412.14	203,542.94	203,950.00	408.00	308,577.00
307 AG., CONSERVATION & HORT S	20,970.55	133,911.50	179,997.00	46,086.00-	84,058.00
308 OTHER SUPPLIES	9,789.75	55,773.00	49,021.00	6,748.00	150,776.00
309 PRINTING & BINDING	11,103.55	44,591.57	87,949.00	43,358.00-	121,821.00
312 UNIFORMS & RELATED ITEMS	6,278.52	89,456.36	71,048.00	18,412.00	171,854.00
401 COMMUNICATIONS	17,478.76	115,209.37	100,239.00	14,973.00	45,892.00
402 RENTALS	8,492.08	23,747.61	26,764.00	3,017.00-	217,020.00
403 UTILITIES	19,502.15	105,851.53	126,587.00	20,737.00-	138,855.00
405 PROF & SCIENTIFIC SERVICE	0.00	69,001.06	80,998.00	11,997.00-	103,330.00
406 OUTSIDE SERVICES	6,041.36	51,865.89	60,264.00	8,398.00-	399.00
408 ADVERTISING & PUBLICITY	0.00	269.42	669.00	399.00-	44,100.00
410 DATA PROCESSING	0.00	33,141.68	25,724.00	7,417.00	130,450.00
414 REIMBURSEMENTS TO OTHER A	36,992.14	84,143.31	76,094.00	8,051.00	284,171.00
501 EQUIPMENT	17,783.00	88,044.84	165,757.00	77,713.00-	600.00
602 OTHER EXPENSES & OBLIGATI	0.00	150.00	350.00	200.00-	300.00
701 LICENSES	20.00	35.00	175.00	140.00-	
DIVISION TOTAL	1,155,279.25	8,452,208.54	8,961,518.00	509,316.00-	15,362,915.00

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 01/31/92

	TOTAL EXPENDITURES 01/01/92 - 01/31/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
9000 WASTE MANAGEMENT AUTHORITY					541,305.00
101 PERSONAL SERVICES	29,791.46	223,502.96	315,758.00	92,255.00-	28,460.00
202 IN-STATE TRAVEL	1,314.71	17,027.28	16,600.00	428.00	14,500.00
205 OUT-STATE TRAVEL	0.00	3,581.10	8,457.00	4,875.00-	18,030.00
301 OFFICE SUPPLIES	539.56	1,648.57	10,515.00	8,867.00-	250.00
303 EQUIPMENT MAINTENANCE SUP	1,252.58	1,252.58	145.00	1,108.00	8,300.00
308 OTHER SUPPLIES	19.50	1,088.09	4,841.00	3,753.00-	72,500.00
309 PRINTING & BINDING	1,824.50	10,401.52	42,291.00	31,889.00-	25,300.00
401 COMMUNICATIONS	736.08	5,267.39	14,756.00	9,489.00-	99,365.00
405 PROF & SCIENTIFIC SERVICE	5,677.67	71,165.20	57,962.00	13,203.00	5,750.00
406 OUTSIDE SERVICES	106.16	1,080.87	3,353.00	2,272.00-	5,300.00
410 DATA PROCESSING	667.26	2,192.51	3,090.00	897.00-	17,450.00
414 REIMBURSEMENTS TO OTHER A	212.59	5,731.70	10,178.00	4,446.00-	25,075.00
501 EQUIPMENT	16,532.11	17,262.36	14,625.00	2,638.00-	
DIVISION TOTAL	58,674.18	361,202.13	502,571.00	141,366.00-	861,585.00

Mr. Kuhn explained the financial status report noting that the Reduction In Force (RIF) dollars have not been deducted and the budget is misleading in that sense. He advised the Commission to read the statements with caution as there is a lot of federal money involved, particularly in the Environmental Protection Division, that is not being spent because of vacancies. Approval is pending for seven positions in the Environmental Protection Division and three in the Waste Management Division. Salary projections, if the Supreme Court agrees with the Governor, would end the year with about \$390,000 left over in general fund money. He added that the Governor's recommendations for the DNR budget were the same as requested by staff with the exception of REAP and several small items.

Charlotte Mohr asked if any REAP meetings have been held.

Director Wilson reported that REAP meetings have been held in Audubon, Elkader, Red Oak, Dubuque and Ames. He related that attendance has been down drastically from 1990. The meetings have gone very well. Additional meetings will be held on Tuesdays and Thursdays in various areas around the state, with the final meeting in Muscatine on March 26.

This was an informational item; no action was required.

NOTICE OF INTENDED ACTION--CHAPTER 101, SUBMITTAL SCHEDULE FOR
SOLID WASTE COMPREHENSIVE PLANS

Intended Action--Chapter 101 Teresa Hay, Division Administrator, Waste Management Division, presented the following item.

The Commission is requested to approve the proposed amendments on the submittal schedule for subsequent solid waste comprehensive plans, part I. In its current form, 567--101 directly ties solid waste comprehensive plans to the three year permit renewal schedule, thus acting as a disincentive to regionalizing areas that contain more than one permitted facility. Solid waste operators have been consulted and favor a subsequent comprehensive plan submittal schedule that will facilitate regional efforts.

The purpose of these amendments is to implement 455B.306 and 455D.3. The proposed amendments:

- transfer and renumber 567--101.5(5)b(7)3 to be 567--110.3(i)d. This section deals with soil boring samples taken at sanitary landfills and is being renumbered in order to be located in a more appropriate section of the administrative rules.

- add, to the general requirements, a reference to the submittal schedule for subsequent solid waste comprehensive plans, part I.

- encourage solid waste planning activities for multicounty areas where feasible by adding the submittal schedule for subsequent comprehensive plans, part I.
- remove the direct tie to the three year solid waste permit renewal schedule for comprehensive plans, part I other than infectious waste treatment or disposal facilities and waste generated by private companies holding solid waste permits.
- define "private companies" in subrule 101.5(7)c as those companies with waste treatment or disposal facilities limited to specific waste generated by that company.
- correct a typographical error in 101.5(7)b and 101.5(7)b1 referencing the submittal schedule in 101.5(7)b2.

(Notice of Intended Action is shown on the following 4 1/2 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.304 and 455D.7, the Environmental Protection Commission of the Department of Natural Resources gives notice of intended action to amend Chapter 567--101 "General Requirements" and Chapter 110 "Design, Construction and Operation Standards For Solid Waste Management Facilities" of the Iowa Administrative Code.

This Notice proposes as Item I, to transfer and renumber, Chapter 567--101.5(5)b(7)3, regarding soil boring samples at a sanitary landfill site, to Chapter 567--110, in order to move this subrule to its appropriate chapter.

This Notice proposes to amend, as Item 2, the general requirements by adding reference to the submittal schedule for subsequent solid waste comprehensive plans.

This Notice proposes to amend, as Item 3, subrule 101.5(7) adding the subsequent comprehensive plans, part I submittal schedule. This submittal schedule removes the direct tie to the three year permit renewal schedule for comprehensive plans, part I submitted by cities, counties, or facilities managing solid waste, thus encouraging planning activities for multicounty areas where feasible.

Any interested person may make written or oral comments on these proposed amendments on or before April 8, 1992. Such comments should be directed to Julie Kjolhede, Waste Management

Division, Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034; PHONE (515) 281-8946; FAX (515)281-8895. Persons are also invited to present oral or written comments at a public hearing on April 8, 1992, at 10:00 a.m. in the Fourth Floor West Conference Room of the Wallace State Office Building.

Copies of the proposed rules may be obtained from the Records Section, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034.

These rules are intended to implement Iowa Code sections 455B.306 and 455D.3.

The following amendments are proposed.

ITEM 1. Transfer and renumber 567--101.5(5)b(7)3 to be 567--110.3(i)d.

ITEM 2. Amend the first unnumbered paragraph of rule 101.5 (455B, 455D) to read as follows:

101.5 (455B,455D) Comprehensive plans. Cities, counties and private agencies operating or planning to operate a sanitary disposal project after July 1, 1988, shall, in conjunction with all local governments using the sanitary disposal project, file a comprehensive plan with the director either prior to or at the time of application for issuance, renewal or reissuance of a sanitary disposal project permit. The department may require filing and updating a plan at other times. The department shall act to coordinate and expedite planning activities for multicounty areas where feasible. The general requirements and schedule for updating subsequent plans shall be submitted according to subrule 101.5(7).

ITEM 3. Amend subrule 101.5(7) as follows:

Subsequent plans. After the initial plan has been approved, all subsequent plans must include all elements in rule 101.5 (455B, 455D) and a thorough evaluation of progress toward meeting the state volume reduction and recycling goals as detailed in subrule 101.5(2). The solid waste abatement table included in the "Guidelines for Solid Waste Comprehensive Plans, Part I: Waste Management Alternatives" shall be used for this evaluation of progress.

a. Interim Plan Modifications: If a new facility requests to be included in a planning area after completion of a plan but before a subsequent plan is due, and the planning area agrees to include the facility, the following procedure is required:

-a₁. A letter is submitted to the department by the facility operator describing the facility's operation and the amount of waste to be managed.

-b₂. A letter is submitted to the department by the planning area's responsible agency agreeing to accept the facility in its planning area and stating how the facility will affect the planning area's waste stream.

-c₃. The subsequent plan submitted by the planning area will include the facility.

b. Plan Renewal: The submission schedule for subsequent Comprehensive Solid Waste Plans, Part I submitted by cities, counties or facilities managing solid waste removes the direct schedule correlation to the three year permit renewal schedule for plans referenced in 101.5(7)b2.

1. Permittees may be allowed to renew the permit on the permit renewal date providing that the Solid Waste Comprehensive Plan, Part I will be submitted according to the schedule in 101.5(7)b2. Should the permittee fail to participate in an approvable plan by the date specified in 101.5(7)b2, administrative actions by the department will be implemented to insure compliance or to terminate operations.

2. The following schedule change is shown through the third revision. Subsequent plans following the third revision scheduled below will continue to be due in the designated intervals. For the purposes of this schedule, "county" is considered as a territorial whole that includes cities, towns, villages, rural and unincorporated areas.

<u>Group</u>	<u>Number</u>	<u>First</u>	<u>Second</u>	<u>Third</u>
	<u>of</u> <u>Counties</u>	<u>Revision</u>	<u>Revision</u>	<u>Revision</u>
1	One or Fewer	7/1/92	7/1/95	7/1/98 . . .
2	Two - three	1/1/93	1/1/96	1/1/99 . . .
3	Four - five	7/1/93	7/1/96	7/1/99 . . .
4	Six or more	1/1/94	1/1/97	1/1/2000 . . .

c. Subsequent Solid Waste Comprehensive Plans, Part I submitted for infectious waste treatment or disposal facilities, and waste generated by private companies that are permitted to manage their own waste are required at the time of permit renewal. For the purposes of this section, private companies are

defined as those companies with waste treatment or disposal facilities limited to specific waste generated by that company.

These rules are intended to implement Iowa Code sections 455B.306 and 455D.3.

February 18, 1992
Date

Larry J. Wilson, Director

Ms. Hay explained a few minor changes made from the proposed rule.

Motion was made by William Ehm to approve Notice of Intended Action-----Chapter 101, Submittal Schedule for Solid Waste Comprehensive Plans. Seconded by Nancylee Siebenmann. Motion carried unanimously.

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
February 1, 1992

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 61 - Corps of Engineers Nationwide Permits	6/17/91	7/10/91	8/21/91	7/31/91-8/05/91	1/21/92	1/21/92	*2/19/92	*3/25/92
2. Ch. 61 - Water Quality Stds. Big Creek - Mt. Pleasant	1/21/91	*2/19/92	*3/10/92	*3/10/92	*4/20/92	*4/20/92	*5/13/92	*6/17/92
3. Ch. 61 - Water Quality Stds. S. Skunk River	10/21/91	11/13/91	12/10/91	12/03/91	2/17/92	*2/17/92	*3/18/92	*4/22/92
4. Ch. 64 - Stormwater Discharge Permits	11/18/91	12/11/91	1/06/92	1/03/92 1/10/92	*3/16/92	*3/16/92	*4/15/92	*5/20/92
5. Ch. 92 - State Revolving Loans for Wastewater Treatment	*3/16/92	*4/15/92	*5/ /92	*5/ /92	*6/15/92	*6/15/92	*7/08/92	*8/12/92
6. Ch. 100 & 102 - Permits - Special and Infectious Wastes	1/21/92	2/19/92	*3/10/92	*3/18/92	*4/20/92	*4/20/92	*5/13/92	*6/17/92
7. Ch. 101 - Solid Waste - Schedule for Comprehensive Plan	2/17/92	*3/18/92	*4/06/92	*4/08/92	*5/18/92	*5/18/92	*6/10/92	*7/15/92
8. Ch. 134 - Registration of Groundwater Professionals	8/19/91	9/18/91	10/09/91	10/22/91 10/23/91 10/24/91	2/17/92	*2/17/92	*3/18/92	*4/22/92
9. Ch. 135 - Technical Standards for Owners/Operators of USTs - Site Assessments	8/19/91	9/18/91	10/09/91	10/22/91 10/23/91 10/24/91	2/17/92	*2/17/92	*3/18/92	*2/21/92
10. Ch. 136 - Financial Responsibility for USTs - Local Governments	11/18/91	12/11/91	1/06/92	1/07/92	2/17/92	*2/17/92	*3/18/92	*4/22/92
11. Ch. 136 - New Financial Assurance Compliance Date for UST Owners with 1-12 Tanks	2/17/92	*3/18/92	*4/ /92	*4/ /92	*5/18/92	*5/18/92	*6/10/92	*7/15/92
12. Ch. 148 - Registry of Hazardous Waste or Hazardous Substance Disposal Sites	1/21/92	2/19/92	*3/10/92	*3/18/92	*4/20/92	*4/20/92	*5/13/92	*6/17/92

MONTHLY VARIANCE REPORT

Month: January, 1992

No.	Facility	Program	Engineer	Subject	Decision	Date
1.	City of Atlantic	Air Quality	Public Works Director	Structures	Denied	01/23/92
2.	City of Nevada	Wastewater Construction	Snyder & Associates	Pumping Station Capacity	Denied	01/10/92
3.	City of Waterloo	Wastewater Construction	Brice, Petrides-Donohue Co.	Bypass Channel Screen	Approved	01/14/92
4.	City of Waterloo	Wastewater Construction	Brice, Petrides-Donohue Co.	Reliability	Approved	01/14/92
5.	City of Waterloo	Wastewater Construction	Brice, Petrides-Donohue Co.	Lagoon Embankments and Dikes	Approved	01/14/92
6.	City of Waterloo	Wastewater Construction	Brice, Petrides-Donohue Co.	Lagoon Influent Structure	Denied	01/14/92
7.	City of Indianola	Wastewater Construction	Veenstra & Kimm, Inc.	Number of Pumps	Approved	01/21/92
8.	Mitchell County	Flood Plain	County Engineer	Alignments	Approved	01/10/92
9.	Mitchell County	Flood Plain	County Engineer	Percent Length Reduction	Approved	01/10/92
10.	Cherokee County Sanitary Landfill	Solid Waste	Kuehl & Payer, Ltd.	Leachate	Approved	01/17/92

TOPIC: Report of Hazardous Conditions

During the period January 1, 1992 through January 31, 1992, reports of 64 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
01/01/92 Polk	A driver filled the saddle tanks on his semi on January 1, 1992. He drove away and forgot to remove the nozzle and shut off the gas pump. Approximately 400 gallons of diesel fuel were spilled. The material spread across the paved area, ran into a roadside ditch, and through a culvert into corn field.	Fina Gas Station Highway 141 Grimes, IA	The Des Moines Haz Mat Team and the Grimes Fire Department responded. The paved area was sanded, the ditch diked, and free product was pumped up. The contaminated soil was overexcavated.
01/22/92 Wright	A pipe leading from a storage tank developed a leak, releasing 285 gallons of sulfuric acid into a concrete containment structure. No material was released outside the containment structure.	Ag Processors Box 85 Eagle Grove, IA	The acid was neutralized and arrangements were made with the POTW to discharge the material to the sanitary sewer.

NUMBERS IN PARENTHESES REPRESENT REPORTS FOR THE SAME PERIOD IN FISCAL YEAR 1991

Substance Type					Mode					
Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	87(112)	52(69)	4(7)	31(36)	42(70)	2(0)	24(25)	2(1)	0(1)	17(15)
Nov.	83(69)	56(36)	3(11)	22(22)	44(35)	1(0)	22(15)	0(4)	1(1)	13(14)
Dec.	81(85)	47(61)	7(14)	27(10)	40(37)	2(1)	28(23)	2(1)	1(1)	8(22)
Jan.	64(56)	40(31)	6(7)	18(18)	33(35)	0(1)	22(9)	1(1)	0(1)	8(9)
Feb.										
March										
April										
May										
June										
July										
August										
Sept.										

Total Number Of Incidents Per Field Office This Period:

1	2	3	4	5	6
7	8	1	9	25	14

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of January 1, 1992 through January 31, 1992, the following number of releases from underground storage tanks were identified.

47 (137)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1991.

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Kinley Corporation, Pottawattamie County (4)	Hazardous Condition	Remedial Action	Order/Penalty	1/02/92
Mihm Oil Company and Mihm Transportation Co., Fort Atkinson (1)	Underground Tank	Illegal Deposit	Order/Penalty	1/13/92
Ingham Lake Lutheran Camp, Milford (3)	Drinking Water	Monitoring/Reporting-Nitrate	Amended Order	1/13/92
Independent Oil Co., Bettendorf (6)	Underground Tank	Illegal Deposit	Amended Order	1/13/92
Stone City Iron & Metal Co., Jones County (1)	Air Quality	Operation Without Permit	Amended Order	1/13/92
Humboldt, City of (2)	Drinking Water	Construction Without Permit	Order	1/16/92
Dietrick Mobile Home Park, Grundy County (2)	Wastewater	Monitoring/Reporting	Order/Penalty	1/16/92
West Liberty Oil Co., West Liberty (6)	Underground	Illegal Deposit	Order/Penalty	1/16/92
New Providence, City of (2)	Wastewater	Compliance Schedule; Discharge Limits	Amended Order	1/16/92
Rock Creek Park; Clinton County Conservation Board, Clinton County (6)	Drinking Water	Monitoring/Reporting-Bacteria, Nitrate	Order/Penalty	1/16/92
Blairsburg, City of (2)	Drinking Water	Construction Without Permit	Order/Penalty	1/16/92
Thatcher Tubes, Muscatine (6)	Drinking Water	Monitoring/Reporting-Nitrate	Order/Penalty	1/16/92
Westmore Road and Water Assoc., Davenport (6)	Drinking Water	Monitoring/Reporting-Other Inorganics	Order/Penalty	1/16/92
Earlham Municipal Waterworks (5)	Drinking Water	Monitoring/Reporting-Inorganics; Public Notice	Order/Penalty	1/16/92
Tracy Water Supply (5)	Drinking Water	Monitoring/Reporting-Inorganics; Public Notice	Order/Penalty	1/16/92
Century Oaks Community Assoc., Bettendorf (6)	Drinking Water	Monitoring/Reporting-Inorganics; Public Notice	Order/Penalty	1/16/92
Malvern, City of (4)	Drinking Water	Monitoring/Reporting-Inorganics; Public Notice	Order/Penalty	1/16/92
Sidney, City of (4)	Drinking Water	Monitoring/Reporting-Inorganics; Public Notice	Order/Penalty	1/16/92
Neola Light & Water, Neola (4)	Drinking Water	Monitoring/Reporting-Radionuclides; Public Notice	Order/Penalty	1/16/92
Pleasant Creek Estates, Shellsburg (1)	Drinking Water	Monitoring/Reporting-SOC's	Amended Order Rescinded	1/16/92
Bridgewater Municipal Water Works (4)	Drinking Water	Monitoring/Reporting-Inorganics, Nitrate, Radionuclides; Public Notice	Order/Penalty	1/16/92
Winterset, City of (5)	Wastewater	Compliance Schedule	Amended Order	1/16/92

Ralston Water Treatment Plant, Ralston (4)	Drinking Water	Monitoring/Reporting-Nitrate, Inorganics; Public Notice	Order/Penalty	1/16/92
Hamburg, City of (4)	Drinking Water	Monitoring/Reporting-Inorganics; Public Notice	Order/Penalty	1/16/92
Trout Valley Homes Assoc. #1, Bettendorf (6)	Drinking Water	Monitoring/Reporting-Inorganics; Public Notice	Order/Penalty	1/16/92
Trout Valley 2nd Addition, Bettendorf (6)	Drinking Water	Monitoring/Reporting-Inorganics; Public Notice	Order/Penalty	1/16/92
Decorah, City of (1)	Wastewater	Compliance Schedule	Amended Order	1/16/92
Titan Wheel International, French & Hecht Division, Walcott (6)	Wastewater	Pretreatment	Order/Penalty	1/16/92
Farmland Foods, Inc., Carroll (4)	Wastewater	Pretreatment	Order/Penalty	1/16/92
Motorola, Inc., Mt. Pleasant (6)	Air Quality	Construction Without Permit	Order/Penalty	1/16/92
Amoco Oil Company, Council Bluffs (4)	Air Quality	Construction Without Permit	Order/Penalty	1/16/92
Fieldstone Cabinetry, Inc., Northwood (2)	Air Quality	Construction Without Permit	Order/Penalty	1/16/92
Eagle Window and Door, Inc., Dubuque (6)	Air Quality	Construction Without Permit	Order/Penalty	1/16/92
Wellman Dynamics Corp. d/b/a Fansteel/Wellman Dynamics, Creston (4)	Air Quality	Construction Without Permit	Order/Penalty	1/16/92
Donald Maasdam, Rolfe (3)	Solid Waste	Operation Without Permit	Referred to AG	1/21/92
Vern Starling, Boone County (5)	Solid Waste	Illegal Disposal	Referred to AG	1/21/92
Wallingford, City of (3)	Drinking Water	Monitoring/Reporting-Nitrate, Other Inorganics; Public Notice	Order	1/28/92
North English, City of (6)	Drinking Water	Monitoring/Reporting-Nitrate, Other Inorganics; Public Notice	Order/Penalty	1/28/92
Bernard Sadler and Ger-Mar Farms, Inc., Allamakee County (1)	Solid Waste	Illegal Disposal	Order/Penalty	1/28/92
Northwest Iowa Solid Waste Agency, Sioux County (3)	Solid Waste	Operation Without Permit; Compliance Schedule	Order	1/28/92
U.S. Gypsum Company, Webster County (2)	Solid Waste	Operation Without Permit; Compliance Schedule	Order	1/28/92
Van's Poultry Farm, Inc. d/b/a Country Lane Foods, Johnson County (6)	Wastewater	Prohibited Discharge	Order/Penalty	1/28/92
Zahrobsky Feedlot, Lucas County (5)	Wastewater	Prohibited Discharge	Order/Penalty	1/28/92
Don Zimmerman d/b/a Panama Oil Co., Panama (4)	Underground Tank	Closure Investigation	Amended Order	1/28/92
City Tire & Battery, Inc., Keokuk (6)	Underground Tank	Closure Investigation	Order	1/28/92
Bernard Gavin d/b/a Bernard Gavin Veterinary Clinic, Wellsburg (2)	Underground Tank	Closure Investigation	Order/Penalty	1/28/92
William H. Viner, Emerson (4)	Underground Tank	Closure Investigation	Order/Penalty	1/28/92
Clarence Cooperative Co., Martelle (1)	Hazardous Condition	Remedial Action	Order/Penalty	1/28/92

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Sleepy Hollow Campground (Oxford)	WW	1,000	10-24-91
Capitol Oil Co. d/b/a Dakota MHP (Iowa City)	WW	1,000	11-03-91
Central Baptist Church (Council Bluffs)	WS	200	12-24-91
John Hosch (Jones County)	WW	1,000	12-24-91
Bankston, City of	WS	200	12-25-91
Farmers Coop Feed Co. (Florenceville)	UT	300	12-28-91
Custom Hardware Manufacturing, Inc. (Keokuk)	AQ	1,000	12-30-91
Vincent Martinez d/b/a Martinez Sewer (Davenport)	HC	500	1-01-92
Tom/Ruth Samuelson d/b/a Quality Car Wash (Osceola)	UT	250	1-07-92

Paper Recovery Corporation (Sioux City)	UT	500	1-08-92
The Calmar Manufacturing Co., Inc. (Calmar)	AQ	1,000	1-08-92
Vernus Wunschel d/b/a Wunschel Oil Co. (Ida Grove)	UT	300	1-12-92
Dilts Trucking, Inc. (Crescent)	UT	500	1-12-92
Anamosa, City of	WS	200	1-14-92
Mt. Joy Mobile Home Park (Davenport)	WS	200	1-15-92
Rutland Water Supply	WS	500	1-22-92
Krause Feedlot (Hardin County)	WW	500	1-23-92
George Kall (Scott County)	SW	500	1-23-91
Homestead Colony MHP (Ames)	WS	320	1-25-92
Hilltop Village MHP (Cherokee)	WS	200	1-25-92
Hawarden Water Supply	WS	400	1-25-92
Buffalo Bill Estates, Inc. MHP (Camanche)	WS	500	1-25-92
Darrell's Place (Hamlin)	WS	400	1-27-92
Village Inn (Guttenberg)	WS	315	2-05-92
Cumberland Ridge First Addition (Solon)	WS	200	2-05-92
Linden Water Supply	WS	1,000	2-11-92
Willey Water Supply	WS	200	2-11-92
R. D. Loftin, DVM (Osage)	UT	300	2-12-92
Spook Cave, Inc. (McGregor)	WS	200	2-13-92
Blacktop Service Co. (Humboldt)	AQ	1,000	2-21-92
*Todd D. Behounek and Paul Behounek (Tama County)	SW	400	2-21-92
Lake Mills, City of	WS	400	2-23-92
*Sportsman Lounge (Conesville)	WS	100	2-28-92
Manson, City of	WS	300	3-02-92
Breda, City of	WS	200	3-03-92
New Sharon, City of	WS	200	3-03-92
Rippey Municipal Water Supply	WS	200	3-03-92
Magnolia Water Supply	WS	315	3-04-92
Kinley Corporation (Pottawattamie Co.)	HC	1,000	3-07-92
Mihm Oil Co./Mihm Transportation Co. (Ft. Atkinson)	UT	1,000	3-17-92
Century Oaks Community Assoc. (Bettendorf)	WS	200	3-18-92
Bridgewater, City of	WS	420	3-18-92
Blairsburg, City of	WS	500	3-18-92
Ralston, City of	WS	100	3-18-92
Thatcher Tubes (Muscatine)	WS	200	3-20-92
Tracy, City of	WS	200	3-21-92
Earlham, City of	WS	200	3-21-92
Trout Valley Homes Assoc. #1 (Bettendorf)	WS	100	3-21-92
Trout Valley 2nd Addition (Bettendorf)	WS	100	3-21-92
Neola Light & Water (Neola)	WS	200	3-21-92
Rock Creek Park/Clinton CCB (Clinton Co.)	WS	75	3-21-92
Sidney, City of	WS	200	3-21-92
Hamburg, City of	WS	200	3-22-92
Plover, City of	WS	200	3-22-92
Amoco Oil Co. (Council Bluffs)	AQ	500	3-23-92
Fieldstone Cabinetry, Inc. (Northwood)	AQ	1,000	3-23-92
Eagle Window & Door, Inc. (Dubuque)	AQ	1,000	3-23-92
Titan Wheel International/French & Hecht (Walcott)	WW	1,000	3-23-92
Farmland Foods, Inc. (Carroll)	WW	1,000	3-23-92
Wellman Dynamics Corp. (Creston)	AQ	1,000	3-23-92
Don Stickle and Sons Farms (Linn County)	WW	750	8-30-92
Viola Elementary School (Viola)	WS	360	-----
Westmore Road & Water Assoc. (Davenport)	WS	200	-----
Motorola, Inc. (Mt. Pleasant)	AQ	1,000	-----
Bernard Sadler/Ger-Mar Farms, Inc. (Allamakee County)	SW	500	-----
Northwest Iowa Solid Waste Agency (Sioux County)	SW	1,000	-----
Zahrobsky Feedlot (Lucas County)	WW	500	-----
North English, City of	WS	100	-----
Van's Poultry Farm, Inc. (Johnson County)	WW	500	-----
Clarence Cooperative Company (Martelle)	HC	1,000	-----
William H. Viner (Emerson)	UT	600	-----
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600	-----
Don Zimmerman d/b/a Panama Oil Co. (Panama)	UT	100	-----

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Darlo Schaap (Sioux Center)	SW	600	1-14-90
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90

*On Payment Schedule

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Amoco Oil Company (Des Moines)	UT	1,000	8-15-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
M & D's Chalet (Elgin)	WS	490	3-02-91
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth County)	SW	950	4-11-91
Buffalo Bill Estates, Inc. MHP (Camanche)	WS	245	5-14-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
Fred R. Thomas/Fred R. Thomas, Jr. d/b/a Clair-View Acres Store (Delhi)	WS	1,000	8-04-91
M & W Mobile Home Park (Muscatine)	WW	700	8-21-91
Carl A. Burkhart d/b/a American Wrecking Co.	AQ/SW	200	9-15-91
Lloyd Dunton (Iowa County)	SW	300	11-07-91
Buffalo Bill Estates, Inc. (Clinton Co.)	WS	440	11-19-91
Landfill of Des Moines, Inc. (Des Moines)	SW	1,000	1-06-92
Vern Starling (Boone Co.)	SW	800	9-15-91

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
AMOCO Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP	WW	1,000
Great Rivers Coop (Atavia)	HC	1,000
1st Iowa State Bank (Albia)	SW	1,000
Cloyd Foland (Decatur)	FP	800
King's Terrace Mobile Home Court (Ames)	WW	1,000
Amoco Oil Co. (West Des Moines)	UT	1,000
Manson Water Supply	WS	500
Joe Villinger (West Point)	SW	500
Sioux City, City of	WW	1,000
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Maple Crest Motel and MHP (Mason City)	WS	350
Plymouth County Solid Waste Agency	SW	1,000
Chicago & North Western Transportation, et.al.	SW	1,000
Joe Eggers, Jr., et. al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee County)	FP	500
McDowell Dam #2 (Lee County)	FP	500
Camp Riverside (Guthrie County)	FP	500
Molkenthin Swine Operation (Keokuk County)	WW	800
Oskaloosa Food Products Corp. (Oskaloosa)	WW	1,000
Oskaloosa, City of	WW	1,000
Kenneth Bode (Mills Co.)	SW	1,000
Mason City Iron and Metal Co. (Mason City)	AQ	1,000
American Recycling, Inc. (Council Bluffs)	AQ	1,000
Waterloo, City of	WW	1,000
Wally's Paint Shop (Strawberry Point)	AQ	500
Andrews Prestressed Concrete (Cerro Gordo Co.)	SW	1,000
The River Products Co. (Iowa City)	AQ	1,000
Westside Park for Mobile Homes (Lee Co.)	WW	500
Monona Co. SLF/Ronald L. Hanson (Monona Co.)	SW	1,000
Highland Golf Club, Inc. (Iowa Falls)	UT	500
Casey's General Store (Redfield)	UT	1,000
Tower Club (Cresco)	WS	400
Robert Dean (Parkersburg)	SW	500
Jamaica, City of	WS	500
New Virginia, City of	WS	800
Fayette Co. Sanitary Landfill Commission/Nishna Sanitary Services, Inc. (Fayette Co.)	SW	1,000
Wiota, City of	WS	500
Ames, City of	SW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400
Dell Oil Ltd. (Sioux City)	HC	1,000
West Liberty Oil Co. (West Liberty)	UT	1,000
Koehring Cranes & Excavators, Inc. (Waverly)	AQ	1,000
Calhoun Co. Sanitary Landfill (Calhoun Co.)	SW	1,000
Village Creek Bible Council (Spirit Lake)	WS	500
Dietrick Mobile Home Park, Inc. (Grundy Co.)	WW	1,000

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Stacyville, City of	WW	200
Procom Corporation (Lamoni)	WS	200
Spring Hills Country Club (Mallard)	WS	50
Briggs Woods Park/Hamilton Co. Conservation	WS	50
North Twin View Heights (Solon)	WS	100
Sylvan Acres (Janesville)	WS	100
Oak Park Drive-Inn (Marengo)	WS	75
Buffalo Creek Country Club (Winthrop)	WS	200
Waverly Gravel & Ready-Mix Co. (Butler Co.)	AQ	1,000
Bode, City of	WS	300
Clarke County Sanitary Landfill (Osceola)	SW	1,000
West Union Country Club (West Union)	WS	250
Holstein, City of	WS	140
CRL Components, Inc. (Ft. Dodge)	AQ	1,000
Manning, City of	WS	200
*Todd D. Behounek and Paul Behounek (Tama County)	SW	100
W. Hodgman & Sons, Inc.	AQ	1,000
Alton, City of	WS	100
Open Bible Conference Ground (Ventura)	WS	50
Bedford Water Works	WS	100
Iowa Mold Tooling Co., Inc. (Hancock Co.)	HC	500
Earlville Municipal Water Supply	WS	200
Panama Water Works	WS	50
Flyway Cafe (Green Island)	WS	435
Town and Country MHP (Fredericksburg)	WS	200
Thunder Hills Home and Utility Assn. (Peosta)	WS	50
Lidderdale, City of	WS	1,000
Clearfield, City of	WS	300
M and W Mobile Home Park (Muscatine)	WS	200
Independent Oil Company (Mt. Pleasant)	UT	1,000
Elvira Elementary School (Elvira)	WS	200
Malvern, City of	WS	50
Spring Grove Mobile Home Park (Burlington)	WS	50
Dallas County Christian School (Minburn)	WS	100
Beaver Hills Country Club (Cedar Falls)	WS	150

TOTAL \$10,700

The \$200 penalty assessed Ingham Lake Lutheran Camp (Emmet Co.) has been rescinded.

The \$1,000 penalty assessed Stone City Iron & Metal Co. (Anamosa) has been rescinded.

The \$200 penalty assessed Pleasant Creek Estates Assoc. (Shellsburg) has been rescinded.

*On Payment Schedule

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Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Aidex Corporation Council Bluffs (4)		Hazardous Waste	Release of Hazardous Substances	Referred to Attorney General	Referred EPA suit filed State intervention Motion to dismiss granted/denied Filed interlocutory appeal Decision in favor of govt. Case Management Hearing Proposed Decree Lodged Federal Register Notice Trial Date	12/16/82 2/26/87 3/05/87 2/26/88 3/11/88 4/04/89 11/20/90 11/20/91 12/03/91 4/30/92
Al's Corner Oil Co. Carroll (4)		Hazardous Condition	Remedial Action Order		Referred	12/16/91
American Meat Protein Corp. Lytton (3)		Wastewater	Pretreatment	Referred to Attorney General	Referred	10/21/91
Ames Golf & Country Club Ames (5)		Wastewater	Op. Violations Effluent Limits	Referred to Attorney General	Referred	8/19/91

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Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Amoco Oil Company Des Moines (5)	Updated	Underground Tank	Remedial Action	Referred to Attorney General	Referred Referred Suit Filed Trial Date	8/21/90 10/15/90 9/27/91 1/25/93
Anderson, Nicklos J. d/b/a Far-Mor Feeder Pigs Henry County (6)		Wastewater	Prohibited Discharge	Order	Referred	2/18/91
Archer Daniels Midland Co. Clinton County (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Amended Petition Filed	3/18/91 10/28/91
		Air Quality	Emission Stds.		Referred Petition Filed	5/20/91 10/04/91
Bell Watcher, Inc. Poweshiek Co. (5)		Wastewater	Operation Violations	Referred to Attorney General	Referred Consent Decree Reactivated	9/20/89 4/23/90 12/23/91
William L. Bown Marshalltown (5)		Solid Waste	Open Dumping	Order/Penalty	Referred Petition Filed Default Judgment	11/20/89 3/03/90 7/27/90
Bridgestone/Firestone, Inc. Des Moines (5)		Wastewater Hazardous Condition	Prohibited Discharge/ Failure/Notify	Referred to Attorney General	Referred	5/21/90
Bruening Rock Products, Inc. Elma (1)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	2/18/91
Bryant, Robert D.V.M. d/b/a Cherokee Hog Farms Aurelia (3)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	7/15/91
Buffalo Bill Estates, Inc. Camanche (6)		Drinking Water	Mtrg/Rprrtg- Nitrate	Order/Penalty	Referred	6/17/91
Buffalo Bill Estates, Inc. Clinton County (6)		Drinking Water	Mtrg/Rprrtg- MCL - Bacteria	Order/Penalty	Referred	12/16/91
Build-A-Rama Kossuth County (2)		Water Rights	DNR Defendant	Defense	Suit Filed Answer Filed Motion for Summary Judgment Trial Date	7/27/90 10/29/90 10/10/91 4/07/92
Burkhart, Carl A. Perry (5)	Updated	Air Quality Solid Waste	Open Burning Illegal Disp.	Order Referred	Referred Motion for Judgment	12/16/91 1/31/92
Cain, Edward and Margaret Clinton County (6)	Updated	Flood Plain	Channel Change	Referred to Attorney General	Referred Petition Filed Consent Decree	3/18/91 8/19/91 1/13/92
Carney, Don and Gertrude Ft. Dodge (2)		Solid Waste	Illegal Disp.	Order/Penalty	Referred	4/15/91
Carnicle, Roger d/b/a The New Shack Tavern Cedar Rapids (1)	Updated	Drinking Water	MCL - Bacteria	Referred to Attorney General	Referred Petition Filed Trial Date Trial-Continued	9/18/90 12/31/90 12/18/91
Chalfant, Milo, et.al. Webster City (2)	Updated	Solid Waste	Illegal Disp.	Order/Penalty	Referred Suit Filed Trial Date	9/20/89 8/08/90 Continued

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Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Chicago & Northwestern Transportation Co.	Updated	Hazardous Condition	Remedial Action	Order	Petition for Judicial Review Answer/Motion to Dismiss Parties Motion Granted Order/Change Venue to Hardin Co. Motion to Consolidate	8/19/91 8/26/91 9/23/91 11/21/91 12/31/91
Blue Chip Enterprises				Order	Petition for Judicial Review Answer/Motion to Dismiss Parties Motion to Consolidate	8/14/91 9/16/91 12/31/91
Hawkeye Land Company Iowa Falls (2)	Updated			Order	Petition for Judicial Review Order/Change Venue to Hardin Co. Motion to Consolidate	9/16/91 11/21/91 12/31/91
Clinton Pallet Co. Clinton (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Suit Filed Default Judgment	11/09/89 4/ /90
Cooper, Kenneth/Hunter Oil Minburn (5)		Storage Tank	Spill Cleanup	Order	Cooper Referred Hunter Referred Site Assessment DNR Review Remediation Plan	8/17/88 2/01/90 4/20/90 8/22/90
Cota Industries, Inc. Des Moines (5)	Updated	Hazardous Condition	Remedial Action	Order Order	Referred Petition for Judicial Review Motion to Dismiss Order Granting Motion to Dismiss Notice of Appeal Appellant Filed Brief State Filed Brief	4/15/91 4/18/91 5/08/91 7/23/91 8/13/91 11/11/91 1/10/92
Country Lane Foods, Division of Yoder, Inc., Kalona (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	11/20/90
Davis, Richard & Sonja (5)		Solid Waste	Open Unpermitted Dumping	Referred to Attorney General	Referred Suit Filed Default Judgement Filed Motion to Deny Default Motion Overruled	6/22/88 8/11/88 4/21/89 6/14/89 10/04/89
Jimmy Dean Meat Co., Inc. (5)		Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed Trial Date	4/16/90 5/13/91 9/29/92
Osceola, City of (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Amended Petition Filed Trial Date	4/16/90 11/30/90 5/13/91 9/29/92
Denham, Larry Ottumwa (6)		Solid Waste	Illegal Disp.	Referred to Attorney General	Referred Petition Filed Default Judgment	8/21/90 11/30/90 6/10/91
Des Moines, City of (5)		Wastewater	Operation Violations	Referred to Attorney General	Referred	9/18/90
Drewelow, Harvey d/b/a Hanson Tires New Hampton (1)		Air Quality Solid Waste	Open Burning Illegal Disp.	Referred to Attorney General	Referred Petition Filed Trial Date	6/19/90 3/13/91 3/25/92
Grips, Joseph and Diana vs. DNR		Wastewater	Private Sewage Disposal	Defending	Suit Filed Motion to Dismiss Order Denying Motion to Dismiss Answer Filed Trial Date	8/06/90 6/14/91 9/30/91 10/11/91 2/17/92
Dunton, Lloyd Iowa County (6)		Solid Waste	Illegal Disp.	Order/Penalty	Referred	12/16/91
Eagle Wrecking Co. Pottawattamie Co. (4)		Solid Waste	Open Dumping	Order/Penalty	Referred Bankruptcy Claim Filed	6/21/89 7/24/89

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Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Ervin, Don Webster County (2)	Updated	Solid Waste	Operation Without Permit	Order/Penalty	Referred Motion for Summary Judgment Hearing Held Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 6/02/90 7/02/90 7/13/90 9/28/90 11/27/90 11/30/90
			Permit Violations	Referred to Attorney General	Referred Temporary Injunction Contempt Hearing Order of Contempt Motion for Stay Order Granting Stay	9/16/91 9/18/91 12/06/91 12/20/91 12/26/91 12/26/91
First Iowa State Bank Albia (2)		Solid Waste	Open Dumping	Order/Penalty	Petition for Judicial Review Oral Argument	4/12/91 11/04/91
Fred Carlson Co., Inc. Decorah (2)		Air Quality	Emission Standards	Referred to Attorney General	Referred Petition Filed	2/18/91 8/06/91
Great Dane Fertilizer, Inc. Audubon (4)	Updated	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	9/18/90 1/02/92
Hancock County and William Waddingham (2)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	11/20/90
Herweh, Bill Prairie City (5)		Underground Tank	Closure Investigation	Order	Referred	11/18/91
Lakeshore Drive, Inc. et.al. Osceola (5)		Flood Plain	Reconstruction	Order	Referred Petition Filed Judgment vs. Lakeshore	11/20/89 2/07/90 4/09/90
Landfill of Des Moines, Inc. Des Moines (5)		Solid Waste	Compliance Schedule; Other	Order/Penalty	Referred	12/16/91
Larson, Daryl, D.V.M. Audubon (4)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Information	11/20/89 3/19/91
Lenox, City of and Papetti's of Iowa, Inc.		Wastewater	Effluent Strnds; Treatment Agreement	Order	Referred	2/18/91
Maasdam, Donald Rolfe (3)	New	Solid Waste	Operation Without Permit	Order	Referred	1/21/92
McGinnis, Mike; Alfred Patten; and Dennis Lewis Pottawattamie Co. (4)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed Trial Date	10/24/89 11/15/89 3/01/92
McGregor, John W. and Doris v. DNR (4)		Wastewater	DNR Defendant	401 Certification	Petition for Judicial Review Answer Filed	5/30/91 6/25/91
Bob McKiniss Excavating & Grading v. IDNR		Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss Trial Date	3/12/91 5/01/91 4/14/92
Midwest Environmental Law Center v. EPC	Updated	Air Quality	DNR Defendant	Defense	Suit Filed Answer Filed	12/03/91 12/23/91
Monfort, Inc. Des Moines (5)	Updated	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Info. Filed (Polk Co.) Trial Date	12/11/89 7/19/91 4/13/92
M & W Mobile Home Park Muscatine (6)	Updated	Wastewater	Mtrg/Rprtng; Discharge Limits; Limits; Operation Violations	Order/Penalty	Referred Motion for Summary Judgment	9/16/91 12/16/91
New Virginia Sanitary District (5)		Wastewater	Mtrg/Rprtng	Referred to Attorney General	Referred	9/16/91

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Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Orchard, City of (2)		Drinking Water	Mtrg/Rprtng MCL-Bacteria Operation Violations	Referred to Attorney General	Referred	6/17/91
Pete's Sunoco/ Popejoy Septic West Des Moines (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	6/19/90
Pregler, Gerald Dubuque County (1)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	10/15/90 5/23/91
Root, William/LAWNKEEPERS Mitchell County (2)	Updated	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Information Sentenced to Jail (60 days)	7/16/90 8/20/91 1/14/92
Schaap, Darlo Sioux Center (3)	Updated	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Trial Date	2/20/90 6/21/90 Continued
Schildberg Construction Co. Atlantic (4)	Updated	Flood Plain	Unauthorized Levee	Referred to Attorney General	Referred Petition Filed Hearing/Petition Intervention Consent Decree (\$15,000)	8/19/91 11/25/91 12/30/91 1/10/92
Schultz, Albert and Iowa Iron Works Ely (1)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	9/20/89 8/08/90
Shelley, Roberto and Sally Guthrie Center (4)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Trial Date	4/15/91 7/18/91 5/19/92
Simmons, Art d/b/a Art's Garage Bussey (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	5/20/91
Siouxland Quality Meat Co., Inc. Sioux City (3)	Updated	Wastewater	Discharge Limitations	Referred to Attorney General	Referred Petition Filed Consent Decree (\$5,000) Bankruptcy Ch. 7 Filed Claim Filed	2/20/90 7/02/90 10/30/91 12/19/91 1/21/92
Soo Line Railroad Co. Mason City (2)		Wastewater Haz. Condition	Prohibited Discharge Remedial Action	Referred to Attorney General	Referred	7/15/91
Starling, Vern Boone County (5)	New	Solid Waste	Illegal Disposal	Order/Penalty	Referred	1/21/92
Stokely USA, Inc. Ackley (4)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	11/18/91
Sun Wise Systems Corp. Sac City (3)		Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed	10/15/90 11/27/91
Thomas, Fred R. d/b/a Clair-View Acres, Delhi (1)		Drinking Water	Mtrg/Rprtng	Order/Penalty	Referred	9/16/91
Touchdown Co., et. al., Webster City (2)		Underground Tank	Prohibited Discharge Failure to Rpt Haz. Condition	Referred to Attorney General	Referred Petition Filed Trial Date	6/21/89 2/14/91 5/12/92
Vanner, Fred Worth County (2)	Updated	Solid Waste	Waste Oil Reporting	Order/Penalty	Referred Consent Decree (Admin. \$1,069)	5/20/91 12/17/91

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
FEBRUARY 1, 1992

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	Landa	Hearing continued.
12-03-86	Waukee, City of	Administrative Order	WS	Hansen	Amended order issued.
5-12-87	Iowa City Regency MHP	Administrative Order	WW	Hansen	Hearing held 11-03-87; amended order issued.
8-10-87	Great Rivers Co-op	Administrative Order	HC	Landa	Hearing set for 3-27-92.
1-15-88	First Iowa State Bank	Administrative Order	SW	Kennedy	To District Court 4/12/91 for judicial review.
2-04-88	Beaverdale Heights, Woodsman; Westwood Hills	Administrative Order	WS	Landa	Settled.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Landa	One of two sites deemed closed.
3-01-88	Cloyd Foland	Administrative Order	FP	Clark	District Court dismisses other issues; Foland appeals to Supreme Court.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Landa	Compliance initiated. Assessment report submitted.
1-25-89	Amoco Oil Co. - Des Moines	Administrative Order	UT	Landa	Settlement proposed. Clean-up progressing.
2-10-89	Northwestern States Portland Cement Company	Site Registry	HW	Landa	Settlement proposed.
2-10-89	Baier/Mansheim/Moyer	Site Registry	HW	Landa	Property transferred.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Landa	Compliance initiated.
6-08-89	Shaver Road Investments	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-12-89	Amana	Site Registry	HC	Landa	Negotiating before filing.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Landa	Petition for judicial review of agency action.
9-01-89	Stone City Iron & Metal	Administrative Order Permit Denial	AQ	Kennedy	Settled.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Landa	Negotiation proceeding.
10-24-89	Consumers Cooperative Assoc.	Site Registry	HC	Landa	Negotiation proceeding.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Landa	Hearing continued pending negotiations.
11-17-89	Aten Services, Inc.	Administrative Order	SW/UT	Landa	Compliance completed/order rescinded.
12-11-89	Leo Schachtner	Permit Issuance	FP	Clark	Hearing set for 4/20/92.
1-04-90	Joe Villinger	Administrative Order	SW	Kennedy	Settlement pending.
1-08-90	Northwestern States Portland Cement Co.	Permit Amendment	WW	Landa	Settlement proposed.
4-23-90	Sioux City, City of	Administrative Order	WW	Hansen	Informal meeting held on 5/18/90.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
February 1, 1992

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	Landa	Settlement proposed.
5-09-90	Square D Company	Site Registry	HW	Landa	Settled.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	Landa	Compliance initiated.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Murphy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	Landa	Hearing continued. Settlement proposed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	Informal meeting held 6-21-91.
6-26-90	Maple Crest Motel and Mobile Home Park	Administrative Order	WS	Hansen	Negotiating settlement.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	Landa	Hearing continued to 1/23/92.
7-11-90	Chicago & Northwestern Co.; Steve L. Carroll; Susan E. Carroll; and Tracy A. Carroll	Administrative Order	NR	Kennedy	New orders issued 12/28/90 rescinding prior orders.
11-20-90		Administrative Order	SW	Kennedy	Settlement pending.
7-23-90	IBP, inc. Perry	Administrative Order NPDES Permit	WW	Hansen	Response from IBP 10/14/91.
7-26-90	Plymouth County SW Agency	Administrative Order	SW	Kennedy	Settlement pending.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HW	Landa	Decision appealed (Pixler). Judicial review requested (Murphy Trust); dismissed 11/15/91.
8-01-90	J.I. Case Company	Site Registry	HW	Landa	Settlement proposed.
9-06-90	Wilbur Numelin d/b/a Lakeview Enterprises; Carl Hankenson	Administrative Order	UT	Landa	Proposed decision 9/9/91. Appealed.
9-10-90	IBP, inc. Columbus Junction	Administrative Order NPDES Permit	WW	Hansen	Briefing sched. established/arguments to EPC 2/92.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Landa	Stipulations prepared.
9-20-90	Duane Schwarting	Variance Denial	SW	Kennedy	Hearing continued.
10-02-90	James Rhoads; Manatt's, Inc.	Administrative Order	HC	Landa	Hearing continued.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Landa	Negotiating before filing.
10-18-90	Harlan Pruess	Claim	HC	Landa	Hearing continued indefinitely.
10-23-90	Chariton Municipal Water Department	Water Use Permit	WS	Clark	Settlement close.
10-29-90	Arcadian Corporation	NPDES Permit Conditions	WW	Hansen	Settled.
11-15-90	Springwood Enterprises, Inc.	Water Use Permit	WR	Clark	Hearing continued.
11-29-90	Natural Gas Pipeline of America	NPDES Permit Denial	WW	Hansen	Hearing continued to 5/07/92.
12-04-90	United States Gypsum Company	Administrative Order	SW	Kennedy	Negotiating before filing.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
February 1, 1992

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
12-21-90	Des Moines, City of	Administrative Order	UT	Landa	Settlement proposed.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Negotiating before filing.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Landa	Hearing continued.
1-28-91	McDowell Dam #1 & #2	Administrative Order	FP	Clark	Negotiating before filing.
2-22-91	Leon & Rebecca Pierce Camp Riverside	Administrative Order	FP	Clark	Hearing continued.
3-08-91	ADM - Cedar Rapids	Conditional Permit	AQ	Landa	Hearings begun.
3-21-91	Molkenthin Swine Operation	Administrative Order	WM	Murphy	Negotiating before filing.
3-22-91	Mitchell Bros. Boars and Gilts	Administrative Order	WM	Murphy	Negotiating before filing.
4-29-91	R.V. Hopkins, Inc.	Const. Permit Denial	AQ	Landa	Settled.
5-09-91	Oskaloosa Food Products Corp.	Administrative Order	WM	Hansen	Negotiating before filing.
5-16-91	Oskaloosa, City of	Administrative Order	WM	Hansen	Negotiating before filing.
5-16-91	Clarke Co. Sanitary Landfill	Administrative Order	SW	Kennedy	Penalty paid. Appeal withdrawn.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Landa	Hearing set for 3/27/92.
5-31-91	Kenneth Bode	Administrative Order	SW	Kennedy	Hearing set for 2/11/92.
5-31-91	Cargill, Inc.	Certificate to Construct	AQ	Landa	Written direct testimony filed.
7-05-91	Mason City Iron & Metal Co.	Administrative Order	AQ	Landa	Sent to DIA.
7-15-91	Des Moines Independent School District - North High School	Site Registry	HC	Landa	Hearing set for 6/12/92.
7-15-91	Andrews Prestressed Concrete	Administrative Order	SW	Kennedy	Negotiating before filing.
7-22-91	Rupp Tire	Administrative Order	UT	Wornson	Settlement proposed.
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SW	Murphy	Negotiating before filing.
7-24-91	Clow Valve Co.	Const. Permit Denial	AQ	Landa	Negotiating before filing.
7-26-91	American Recycling, Inc.	Administrative Order	AQ	Landa	Negotiating before filing.
7-27-91	Chicago North Western; Dennis Bell; Phillips Petroleum; Amoco Oil Co.	Administrative Order	HC	Landa	Hearing continued. Compliance initiated.
8-05-91	Rathburn Area Solid Waste Comm.	Permit Conditions	SW	Kennedy	Negotiating before filing.
8-14-91	Williamsburg, City of	Administrative Order	WM	Hansen	Negotiating before filing.
8-23-91	Wally's Paint Shop	Administrative Order	AQ	Landa	Hearing continued. Settlement proposed.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
February 1, 1992

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
8-23-91	Waterloo, City of	Administrative Order	WW	Hansen	Settled.
8-29-91	Iowa Southern Utilities	Certificate to Construct	AQ	Landa	Written testimony filed.
9-03-91	Chalstrom Beach	Administrative Order	WS	Hansen	Settled.
9-04-91	Duane Arnold Energy Center	Permit Condition	WW	Hansen	Negotiating before filing.
9-09-91	The Rivers Products Company	Administrative Order	AQ	Landa	Negotiating before filing.
9-13-91	GBE, Limited	Administrative Order	AQ/SW	Landa	Negotiating before filing.
9-16-91	Monona Co. SLF Agency	Administrative Order	SW	Kennedy	Negotiating before filing.
9-17-91	Westside Park for Mobile Homes	Administrative Order	WW	Hansen	Negotiating before filing.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Landa	Negotiating before filing.
9-27-91	Battle Creek, City of	Administrative Order	WS	Hansen	Negotiating before filing.
10-02-91	IBP, Inc. - Storm Lake	Permit Conditions	WW	Hansen	Negotiating before filing.
10-23-91	Parker Hannifin Corp.	Permit Conditions	WW	Hansen	Negotiating before filing.
10-23-91	Young Radiator Co.	Administrative Order	WW	Hansen	Negotiating before filing.
10-30-91	West Liberty, City of	Permit Conditions	WW	Hansen	Negotiating before filing.
11-07-91	Casey's General Store (Redfield)	Administrative Order	UT	Wornson	Informal hearing requested on penalty.
11-14-91	Ossian, Inc.	Permit Denial	AQ	Landa	New case.
11-15-91	Highland Golf Club, Inc.	Administrative Order	UT	Wornson	Awaiting attorney's response.
11-20-91	Hamilton County Conservation Board	Administrative Order	WS	Clark	Settled.
12-03-91	State Central Bank	Administrative Order	UT	Wornson	Settlement proposed.
12-03-91	Independent Oil Corporation	Administrative Order	UT	Wornson	Penalty paid. Settled.
12-05-91	Scenic Valley Motel	Administrative Order	WS	Clark	Negotiating before filing.
12-05-91	Tower Club	Administrative Order	WS	Hansen	New case.
12-06-91	Panama Oil Company	Administrative Order	UT	Wornson	Settlement reached. Amended order issued.
12-09-91	Robert Dean	Administrative Order	SW	Kennedy	New case.
12-09-91	Koehring Cranes and Excavators	Administrative Order	AQ	Landa	New case.
12-23-91	Panama Water Works	Administrative Order	WS	Clark	Penalty paid. Settled.
12-24-91	Jamaica	Administrative Order	WS	Clark	Negotiating before filing.
12-26-91	John Deere Waterloo Works	Permit Conditions	WW	Hansen	New case.
12-27-91	Story City Municipal Electric	Permit Denial	AQ	Landa	New case.
12-31-91	Linden Water Supply	Administrative Order	WS	Hansen	New case.
12-31-91	Clow Valve Company	Permit Denial	AQ	Landa	New case.

February 1992

Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
February 1, 1992

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-02-92	Northeast Community School District-Elvira Elementary	Administrative Order	WS	Kennedy	Penalty paid. Settled.
1-03-92	New Virginia, City of	Administrative Order	WS	Hansen	New case.
1-06-92	Fayette Co. SLF Commission and Wadena Sanitary Services	Administrative Order	SW	Kennedy	New case.
1-07-92	Wiota, City of	Administrative Order	WS	Hansen	New case.
1-10-92	Cathoun Co. Sanitary Landfill	Administrative Order	SW	Kennedy	New case.
1-13-92	Ames, City of	Administrative Order	SW	Kennedy	New case.
1-13-92	Village Creek Bible Camp/Retreat	Administrative Order	WS	Hansen	New case.
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	New case.
1-21-92	Dell Oil, Ltd.	Administrative Order	WS	Lande	New case.
1-24-92	West Liberty Oil Co.	Administrative Order	UT	Wornson	New case.
1-28-92	Dietrick Mobile Home Park	Administrative Order	WW	Murphy	Negotiating before filing.

Discussion followed regarding the Ed Cain case, Century Oaks on the Enforcement Report, and the Midwest Environmental Law Center's suit against 95 facilities in Iowa.

This was an informational item; no action was required.

PUBLIC PARTICIPATION

Hollis DeVoe, President of Ecology Enterprises, addressed the Commission explaining problems encountered with DNR in trying to get a variance. He stated that his company has the latest technology to handle recycling of waste stream products into utilizable materials, but it is difficult to get a variance because everything is classified by the state as a solid waste. He gave examples of what his company's technology can do and explained what percentage of waste products can be used. Mr. DeVoe stated that he took over Midwest Tire Company's clientele and stock. He related that the Iowa Attorney General's Office called Minnesota Pollution Control and told them that his company must have a facility license in Iowa and a letter from DNR before he can continue in business. Mr. DeVoe noted that he is not interfering with interstate commerce and is not doing anything wrong. He added that he asked DNR to inform him if he is doing anything wrong and all he received was two pages of hazardous waste laws.

Chairperson Hartsuck asked Mr. DeVoe what he is asking of the Commission.

Mr. DeVoe stated that he wanted to relate what is happening to a new company and how it is hurting his business.

FINAL RULE: CHAPTER 134, REGISTRATION OF GROUNDWATER PROFESSIONALS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The department requests adoption at the February 1992 commission meeting of the attached Chapter 134, "Registration of Groundwater Professionals" and rescission of the chapter adopted emergency in ARC 2326A of the September 18, 1991 Iowa Administrative Bulletin.

Chapter 134 was adopted emergency at the October commission meeting. The rules were also filed for Notice of Intended Action to allow for public comment. Based on public comment, two rule changes were made.

Paragraph 134.2(2)"f" was changed to better define minimum education and experience expected of an applicant to meet the qualifications for groundwater professional registration. At least two years of education and two years of experience are now specified as part of the combined five years required. In subrule 134.3(3) the initial registration filing deadline was removed since the date has past.

Attached is a summary of the public comments and the departments response. (A copy of the Responsive Summary is on file in the department's Records Center)

(Rule is shown on the following three pages).

ENVIRONMENTAL PROTECTION COMMISSION
Adopted and Filed

Pursuant to the authority of new Iowa Code section 455G.17A established by 1991 Iowa Acts, Senate File 362, section 40, the Environmental Protection Commission adopts Chapter 134, "Registration of Groundwater Professionals."

At a public meeting on February 17, 1992, the Environmental Protection Commission adopted the following Chapter 134. The chapter published as a Notice of Intended Action, ARC 2324A and as emergency, ARC 2326A, in the September 19, 1991, Iowa Administrative Bulletin. The commission rescinded the emergency Chapter 134 published as ARC 2326A. The Notice of Intended Action solicited public comment and hearings were held on October 22, 23, and 24, 1991. Revisions were made in response to the public comment.

Chapter 134 requires a person who provides subsurface soil contamination and groundwater consulting services, or contracts to perform or supervise remediation or corrective action services at leaking underground storage tank sites to meet certain minimum standards and register with the department as a groundwater professional.

Paragraph 134.2(2)"f" has been changed by adding a sentence to the end of the paragraph that more clearly defines the minimum requirements for training and experience required to qualify as a groundwater professional.

Subrule 134.3(3) has been changed by striking the last sentence which contained an initial deadline for submitting an application form. The registration process did not begin soon enough for anyone to meet this date.

Other comments received concerned the definition of groundwater professional and the methods of qualification. Since the methods of qualification and the definition are from the Iowa Code, no other changes were made.

This rule is adopted to implement Iowa Code section 455G.17A as adopted by 1991 Iowa Acts, S.F. 362, section 40.

The following amendments are adopted.

ITEM 1. Adopt the following Chapter 134:

567--134.1(455B) Definition. A "groundwater professional" is a person who provides subsurface soil contamination and groundwater consulting services, or who contracts to perform or who supervises remediation or corrective action services at leaking underground storage tank sites. A person who engages only in installation or removal of underground

storage tanks and piping is not a "groundwater professional" for the purposes of this chapter.

567--134.2(455B) Registration requirements.

134.2(1) A groundwater professional must register as provided in 134.3 before engaging in activities described in 134.1, except that a person engaging in activities described in 134.1 need not be registered if that person is under direct supervision of a registered groundwater professional when engaging in such activities.

134.2(2) In order to register as a groundwater professional a person must be one or more of the following:

a. A person certified by the American Institute of Hydrology as a Professional Hydrologist, Professional Hydrogeologist, or Professional Hydrologist (Ground Water).

b. A person certified by the National Water Well Association or Association of Groundwater Scientists and Engineers as a Groundwater Professional.

c. A person certified by the American Board of Industrial Hygiene as an Industrial Hygienist.

d. A professional engineer registered in Iowa.

e. A professional geologist certified by a national organization (e.g., American Institute of Professional Geologists, American Association of Petroleum Geologists, Society of Independent Earth Scientists).

f. Any person with five years of direct or related experience and training as a groundwater professional or in the field of earth sciences as of June 10, 1991. This must include a minimum of at least two years of education and training, and two years of experience as a groundwater professional.

g. Any person with a license, certification, or registration to practice hydrogeology or groundwater hydrology issued by any state in the United States or by a national organization, provided that the license, certification, or registration process requires, at a minimum, all of the following:

(1) Possession of a bachelor's degree from an accredited college.

(2) Five years of related professional experience.

567--134.3(455B) Registration Procedure.

134.3(1) Application for registration shall be made by completing a form provided by the department and submitting evidence of meeting the requirements found in subrule 134.2(2) (i.e. copy of certificate, license, description of experience and training).

134.3(2) Registration fee. The initial registration and each renewal application must be accompanied by a non-refundable fee in the form of a check or money order note payable to the Department of Natural Resources. The registration fee is two hundred dollars (\$200) every two years and must be renewed biennially by January 1 of each even numbered year (i.e. 1994, 1996, etc.). No pro-ration of registration fees will be done.

134.3(3) Deadline for application. A person must be registered in order to provide services as a groundwater professional after January 1, 1992.

134.3(4) Registration issuance and renewal.

a. Upon receipt, review and acceptance of the application and registration fee, the department shall furnish the applicant with a registration document showing the name of the individual and the expiration date.

b. In order to remain valid, a groundwater professional registration must be renewed prior to the expiration date specified on the registration document. Renewal applications must be made on a form provided by the department, and received by the department or postmarked at least sixty (60) days prior to the expiration date of the registration then in effect. The renewal application must be accompanied by the registration fee specified in 134.3(2).

567--134.4 Revocation and denial of registration.

134.4(1) Basis for revocation or denial. The department may revoke or deny registration as a groundwater professional for any of the following reasons:

a. Material misstatement of facts in an application for registration.

b. Failure to provide the fee for registration.

c. Loss of license, certification, or registration necessary to meet the registration requirements in 134.2(2).

d. Insufficient proof of qualifications required under 134.2(2).

e. Material misstatement of facts or misrepresentation of information required to be provided pursuant to 455G and Part 8 455B Code of Iowa.

134.4(2) Appeal. A person may appeal a denial or revocation of a registration as a groundwater professional under the provisions of 567--Chapter 7(455B).

567--134.5 Penalty. A groundwater professional who fails to register with the Department of Natural Resources as required in this chapter is subject to a civil penalty of fifty dollars (\$50).

DATE

Larry Wilson, Director

Mr. Stokes gave a brief explanation of the rules and comments received at public hearings.

Brief discussion followed.

Motion was made by William Ehm to approve Final Rule--Chapter 134, Registration of Groundwater Professionals. Seconded by Verlon Britt. Motion carried unanimously.

FINAL RULE--CHAPTER 136, UNDERGROUND STORAGE TANKS, NEW FINANCIAL RESPONSIBILITY DATE FOR LOCAL GOVERNMENTS

Local Governments--Chapter 136/Final Rule Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Department requests adoption of the attached amendments to Chapter 136, "Financial Responsibility for Underground Storage Tanks." This amendment changes the compliance date for local governments to meet financial responsibility requirements.

A change in federal underground storage tank rules has extended the compliance date for all local government entities to show financial responsibility. No new compliance date has been established. Instead, local governments are not required to show compliance until one year after new federal mechanisms are promulgated. Adoption of the rule change will keep Iowa's rules consistent with federal rules as required in Iowa Code section 455B.474.

No changes have been made to the amendment. One comment on the proposed amendment was made. The comment concerned the need to maintain financial responsibility in order to remain eligibility for remedial benefits from the state remedial fund. Though this may confuse some state fund recipients, the department's rules need to remain consistent with the federal rules as required by statute.

(Rule is shown on the following two pages)

ENVIRONMENTAL PROTECTION COMMISSION[567]
Adopted and Filed

Pursuant to the Authority of the Iowa code section 455B.474, the Environmental Protection Commission adopts the following amendment to Chapter 136, "Financial Responsibility for Underground Storage Tanks."

At a public hearing on February 17, 1992, the Environmental Protection Commission adopted an amendment to Chapter 136. The amendment was published as a Notice of Intended Action, ARC 2607A, in the December 11, 1991, Iowa Administrative Bulletin. A public hearing on the amendment was held January 7, 1992.

The amendment adds a new subrule 136.2(5) that extends the compliance date for local government entities to show financial responsibility to one year from the date federal rules are promulgated that add new financial assurance mechanisms for local governments. The amendment adopts a change made in the federal underground storage tank regulations.

Only one comment was received on the rule amendment. The comment stated that the amendment would cause confusion since a local government agency has to be able to show financial responsibility in order to remain eligible for remedial benefits from the state underground storage tank fund. It was recommended that the rule amendment be revoked or an additional explanation be added.

No change to the rule amendment has been made. The department is required by Code to be no more stringent than the federal regulations. Those government agencies that are participating in the state remedial fund have been informed by the UST fund board of the fund's requirements.

These rules are intended to implement Iowa code section 455B.474.

The following rule amendments are adopted:

ITEM 1. Amend subrule 136.2(4) and add a new subrule 136.2(5) as follows:

136.2(4) All petroleum UST owners not described in subrules 136.2(1) to 136.2(3), ~~including all local government entities~~; October 26, 1991.

136.2(5) All local government entities: one year from the date federal rules are promulgated with additional mechanisms for local government entities to comply with financial responsibility requirements for underground storage tanks containing petroleum.

**Iowa Department of Natural Resources
Underground Storage Tank Section**

**Chapter 136 Amendment
Public Comment and Response**

The Environmental Protection Commission gave notice of intended action for an amendment to Chapter 136, "Financial Responsibility for Underground Storage Tanks," in the December 11, 1991 Iowa Administrative Bulletin as ARC 2607A. The amendment extended the compliance date for local Governments to show financial responsibility for their underground storage tanks.

Public Comments.

No one came to the public hearing held January 7, 1991 in Des Moines. The only comment received was from the administrator of the Iowa UST Financial Responsibility Program. He stated that the Iowa Code, section 455G.11, required owners and operators of underground storage tanks to have insurance by December 26, 1990. Extending the deadline in the departments rules would cause confusion and that governmental agencies in Iowa must have insurance to be eligible to obtain remedial benefits. He felt that the rule should be revoked or modified to note the distinction with the Iowa Code.

Response.

Section 455G.11 refers to the requirements to be eligible for the UST fund benefits. Owners and operators of underground storage tanks need to maintain financial responsibility to remain eligible for benefits from the fund but are not required to obtain financial responsibility. The DNR rule amendment covers all government agencies and those not participating in the fund may want to wait for the new methods for showing financial responsibility. These methods will allow a government agency to show the capability to self-insure.

Though a few agencies could be confused, we feel most are capable of noting the differences in the law and making a decision. The state statute requires the departments rules to be no more stringent than the federal rules. Adoption of the amendments is required and local government agencies should be given the opportunity to make the decision of waiting to have to show financial responsibility.

No change in the rule is being done.

Mr. Stokes gave a brief explanation of the rules.

Motion was made by Nancylee Siebenmann to approve Final Rule--Chapter 136, Underground Storage Tanks, New Financial Responsibility Date for Local Governments. Seconded by Rozanne King. Motion carried unanimously.

PROPOSED RULE--CHAPTER 136, NEW FINANCIAL ASSURANCE COMPLIANCE
DATE FOR PETROLEUM UNDERGROUND TANK OWNERS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The department will request approval of a Notice of Intended Action for the attached amendment to Chapter 136, "Financial Responsibility for Underground Storage Tanks" at the Commission's March 1992 meeting. This amendment changes the compliance date from October 26, 1991 to December 31, 1993 for owners of 1-12 petroleum underground storage tanks to meet financial responsibility requirements.

A change in the federal regulations extended the compliance date. Adoption of the rule change will keep Iowa's rules consistent with federal regulations as required by Iowa Code section 455B.474.

ENVIRONMENTAL PROTECTION COMMISSION[567]
Notice of Intended Action

Pursuant to the Authority of the Iowa code section 455B.474, the Environmental Protection Commission gives Notice of Intended Action to adopt the following amendment to Chapter 136, "Financial Responsibility for Underground Storage Tanks." The notice was adopted at a public hearing on March 16, 1992.

The amendment changes subrule 136.2(4) by extending the compliance date for owners of one to twelve petroleum underground storage tanks to show financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by accidental releases of petroleum from the their tanks. The compliance date is being changed from October 26, 1991 to December 31, 1993.

The amendment adopts a change made in the federal underground storage tank regulations as published in the December 23, 1991, Federal Register. Iowa Code, section 455b.474, subsection 7, requires the department's rules to be consistent and not to exceed the requirements of the federal regulations.

Any interested party may file a written statement of position on the subjects covered by these rules no later than May 11 1992. These written comments should be directed to Keith Bridson, Iowa Department of Natural Resources, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, FAX 515/281-8895.

Persons or organizations are invited to present written or oral comments at a public hearing on these rules which will be held May 5, 1992 at 10:00 AM, east half, fifth floor conference room, Wallace State Office Building, 900 East Grand Ave., Des Moines, Iowa.

These rules are intended to implement Iowa code section 455B.474.

ITEM 1. Amend subrule 136.2(4) as follows:

136.2(4) All petroleum UST owners not described in subrules 136.2(1) to 136.2(3) and 136.2(5); December 31, 1993. ~~-70ctober-267-1991-~~

Mr. Stokes explained that the federal government has extended the date for which owners with less than 12 tanks must show financial responsibility. The date was extended from October 26, 1991 to December 31, 1993. He related that a Notice of Intended Action for this rule will be presented for the Commission's approval next month.

This was an informational item; no action was required.

FINAL RULE--CHAPTER 61, STREAM USE DESIGNATION: SOUTH SKUNK RIVER - VICINITY OF AMES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to approve the attached rule amendments which would designate the South Skunk River in the vicinity of Ames as a Class B(LR) Limited Resource stream and establish a protected flow of two cubic feet per second (cfs) for the same stream reach.

In September, the Commission moved to designate the South Skunk River as a Class B(LR) stream after hearing presentations from the city of Ames and Department staff regarding recommended use designations for the South Skunk. A Notice of Intended Action to carry out the necessary rulemaking was approved by the Commission and published in the November 13, 1991 IAB.

A public hearing was held in the Wallace Building on December 3, 1991 and written comments on the proposed rule changes were accepted through December 13. The only commentator was the city

of Ames who supported the use designation as proposed. The city also stated that while the proposed protected flow of two cfs was less than that previously requested, they would not object further at this time. The city did encourage the staff and the Commission to develop and implement more scientifically-based methods of establishing protected flows.

If approved, it is anticipated the amendments will be published as a final rule in the March 18, 1992, IAB with an effective date of April 22, 1992.

ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission for the Department of Natural Resources amends Chapter 61, "Water Quality Standards", Iowa Administrative Code.

The amendment, as adopted by the Environmental Protection Commission at its February 17, 1992 meeting, adds the Class B(LR) Limited Resource warmwater designated use of the South Skunk River in portions of Jasper, Polk, and Story counties.

These final rules also establish a protected flow of 2 cubic feet per second for the designated river segment. This amends, as items 1 and 2, the protected flow rule referenced document "Iowa Water Quality Standards: Protected Flows For Selected Stream Segments", dated December 12, 1990.

The listing of the river segment is noted in item 3 with the specific use designation to be noted in subrule 61.3(5)"e" in its proper hydrological order.

A Notice of Intended Action was published on November 13, 1991, as ARC 2537A. A public hearing was held on December 3, 1991. No changes have been made to the notice. The only comment received during the comment period was favorable to the proposed use designation and did not object to the protected flow.

This rule is intended to implement Iowa Code chapter 455B, division III, part I. These rules become effective April 22, 1992, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

ITEM 1. Amend subrule 61.2(5), first unnumbered paragraph to reflect the revised date for the rule referenced document as follows:

All minimum flows established under the provisions of this rule will be published annually by the department. The minimum flows, commonly termed protected flows, are presented in "Iowa Water Quality Standards: Protected Flows For Selected Stream Segments", dated ~~December 12, 1990~~ September 24, 1991. A copy of this document is available upon request from the department. A copy is also on file with the Iowa Administrative Rules Coordinator.

ITEM 2. Insert the following into the rule referenced document entitled "Iowa Water Quality Standards: Protected Flows For Selected Stream Segments", dated September 24, 1991, referenced in subrule 61.2(5), first unnumbered paragraph.

	Protected Flow (cfs)
<u>S Skunk R.</u>	
11. Confluence with Indian Cr. (Jasper Co.) to Ames Water Works Dam (S36, T84N, R24W, Story Co.)	2

ITEM 3. Insert the following into subrule 61.3(5)"e" in its natural sequence or hydrological order:

Iowa Water Quality Standards
Water Use Designation

	Water Uses						
	A	B(WW)	B(LR)	B(LW)	B(CW)	C	HQ
SKUNK RIVER BASIN							
(Skunk R. Tributaries, Continued)							
<u>S Skunk R.</u>							
13aa. Confluence with Indian Creek (Jasper Co.) to Ames Water Works Dam (S36, T84N, R24W, Story Co.)			X				

Mr. Stokes reviewed the rule and asked the Commission's approval of same.

Motion was made by Clark Yeager to approve Final Rule--Chapter 61, Stream Use Designation: South Skunk River - Vicinity of Ames. Seconded by Rozanne King. Motion carried unanimously.

PROPOSED RULE--CHAPTER 92, STATE REVOLVING FUND LOANS FOR WASTEWATER TREATMENT

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Iowa's state revolving fund (SRF) for wastewater treatment loan financing is going into its fourth year in 1992. To date, the federal capitalization grants from EPA and state bond sales have

provided the funds to make loans. Beginning in 1992, however, funds revolving inside the SRF itself and excess reserves are being proposed as a source of funds for making new loans. In the simplicity of starting up the SRF program, the implementing rules in Chapter 92 specify that loan interest rates are determined based on the interest rate of the state bonds used for the state match portion of funds to be loaned to that year's pool of borrowers. The rule is clear in the intent to provide a single below-market interest rate to each pool of borrowers. However, this provision of the rule is not specific as to how a single interest rate would be derived when funds other than that year's bond proceeds are used to make loans. Because recycled funds are also identified with a previous bond issue, when a mixture of funding sources within the SRF are used to make loans, the rule needs to clearly state how the loan interest rates are determined so that there is a single rate for each year's borrowers. Otherwise the rates for each loan could vary depending on the specific fund sources used for each project.

A proposed rule will be presented to the commission for information that should resolve the issue. Because the FY 1992 Intended Use Plan proposes to use multiple sources of funds within the SRF for loans in 1992, it will be desirable to get this rule revision adopted as soon as possible so that it will not delay FY 1992 project loans.

(Proposed rule is shown on the following two pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted and Filed Without Notice

Pursuant to the authority of Iowa Code Section 455B.105 and 455B.299, the Environmental Protection Commission adopts an amendment to subrule 92.11(2) in Chapter 92, "State Revolving Fund Loans for Wastewater Treatment," Iowa Administrative Code.

Chapter 92 provides for the state's administration of a revolving fund to provide loan assistance to Iowa communities for the construction of wastewater treatment facilities. The rules identify how loan interest rates are determined. The amendment specifies how a single interest rate is determined for a pool of borrows when multiple sources of funds are used including new bond issues as well as previous issues and monies in the revolving fund resulting from repayments of loans previously made. This clarification is in accordance with the intent stated in the rule to provide a single interest rate to each pool of borrows and is needed to avoid different interest rates for borrowers within the same pool.

Additional funds for below market interest loans are expected to be available soon. Excess funds are also available within the Revolving Fund and it is proposed to optimize use of available funds to satisfy the maximum number of loan applicants. Providing time for notice and public participation would delay the loan assistance and construction of projects planned for 1992. For this reason, the Commission finds that public notice and participation are impracticable and contrary to the public interest.

The Commission finds that the normal effective date of these rules following their filing and publication would be adequate and not cause adverse public impact. The effective date of this amendment will therefore be April 22, 1992.

This rule is intended to implement Iowa Code section 455B.297.

CHAPTER 92
State Revolving Fund Loans for Wastewater

ITEM 1. Amend subrule 567--92.11(2), paragraph (c) as follows:

c. Applicable interest rate. For each pool there shall be a single below-market interest rate applicable to all loans made to recipients, ~~determined according to the following formula: The applicable interest rate shall be equal to A/B times (C-X), to which there shall be added, but only if available funds from one or more SRF accounts relating to prior bond issues ("existing SRF funds") will be used to fund a portion of the loans made to the pool, D times E/B; where A is the total amount of the loans being funded by proceeds of bonds issued for that pool; where B is the total of all loans to be made to the pool; where C is the true interest cost of the bonds issued for that pool; where D is the loan rate used for the original pool of loans from which bond issues the existing SRF funds were derived; E is the amount of the existing SRF funds used for loans to the pool; and where X is the lesser of (0.3 times C) or 2 percent. If the existing SRF funds used for the pool are derived from more than one previous bond issue, then a factor of D times E/B shall be calculated for each bond issue from which the loan funds are derived and shall be added to the foregoing amount so as to produce a weighted average of interest for that pool. Notwithstanding the foregoing, the interest rate for a loan shall never exceed the yield on the bonds used to fund that loan. = A - B, where A is the rate of interest payable (including enhancement costs) on the bonds issued to provide the state portion of funds to be loaned to a pool of borrowers for an annual or other period; and B is the lesser of 0.3 times A or 2.0 percent of interest. The interest rate will be based on the true interest cost method and may ~~will~~ be rounded upward to the nearest one-hundredth of one percent. In the event the aforementioned bonds bear interest at a variable or floating rate of interest, C A shall be equal to the rate set forth in the 20 G.O. Bond Buyer Index in effect on the date the bonds are delivered.~~

Dated this ____ day of March, 1992.

Larry J. Wilson, Director

Mr. Stokes gave a detailed explanation of the proposed rules.

Discussion followed regarding interest rates and rebonding on the bond market.

This was an informational item; no action was required.

PROPOSED EMERGENCY ADOPTED RULE--CHAPTER 135 AMENDMENTS,
TECHNICAL STANDARDS FOR UNDERGROUND STORAGE TANKS

Emergency Adopted Rule/Proposed Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The department requests adoption and emergency filing of the attached amendments to Chapter 135, "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks." The commission is also requested to rescind the amendments published emergency in ARC 2322A in the September 1991 Iowa Administrative Bulletin.

The rules establish criteria for the classification of underground storage tank sites on which a release has occurred and corrective action response requirements appropriate to the site classification. New tank contaminated sites are also required to have secondary containment.

Attached is a summary of the public comments and the departments response. The rules were changed due to the public comments as indicated in the the departments response and the preamble of the attached rules.

In order to limit any more delay in assessing and cleaning up contaminated sites, emergency adoption of the amended rules is recommended.

NOTE: AN ECONOMIC IMPACT STATEMENT FOR THIS RULE, AS REQUESTED BY THE LEGISLATURES ADMINISTRATIVE RULES REVIEW COMMITTEE, WAS PUBLISHED IN THE ADMINISTRATIVE BULLETIN ON FEBRUARY 5, 1992. FINAL ADOPTION OF THIS RULE CANNOT OCCUR UNTIL FIFTEEN DAYS FOLLOWING PUBLICATION OF THE ECONOMIC IMPACT STATEMENT. THE COMMISSION WILL BE ASKED TO SET A SPECIAL ELECTRONIC MEETING FOR FEBRUARY 20, 1992, FOR THE PURPOSE OF FINAL ADOPTION OF THIS RULE. THE RULE WILL BE DISCUSSED, HOWEVER, AT THE REGULARLY SCHEDULED COMMISSION MEETING.

(Rule is shown on the following 20 pages)

ENVIRONMENTAL PROTECTION COMMISSION
Adopted and Filed Emergency After Notice

Pursuant to the Authority of Iowa Code section 455B.474, the Environmental Protection Commission adopts amendments to Chapter 135, "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks."

At a public hearing on February 17, 1992, the Environmental Protection Commission adopted the following amendments to Chapter 135. The amendments were published as a Notice of Intended Action, ARC 2325A, and as emergency rules, ARC 2322A, in the September 18, 1991, Iowa Administrative Bulletin. The Commission rescinded the emergency rules published as ARC 2322A, in the September 17, 1991 bulletin. The Notice of Intended Action solicited public comment and public hearings were held on October 22, 23 and 24, 1991. Revisions have been made to the proposed amendments in response to public comment.

The rules in ARC 2325A established criteria for the classification of underground storage tank sites on which a release of regulated substances had occurred and corrective action response requirements appropriate to the site classification. New tanks installed at contaminated sites were also required to have secondary containment.

In ITEM 1, the definition of "aquifer" has been deleted and a new definition "protected groundwater source" added. "Protected groundwater source" has been substituted for aquifer along with some sentence modification in the rule amendments. The new definition is intended to establish what groundwater sources have the potential to be used as a public or private water supply. This was needed since there was differing interpretations of the meaning of aquifer. The substitutions have occurred in subparagraph 135.8(4)"a"(2) and subparagraphs 135.8(4)"b"(8), (11), and (12).

A definition for "hydraulic conductivity" has been added to give definite procedures for its determination as used in the rules and within the definition of "protected groundwater source. The definition "Best available technology" has been modified by adding "capital and operating costs" as a parameter that is considered in determining the best available technology.

In ITEM 3, paragraph 135.3(2)"a" has been amended by striking the last two sentences. The paragraph requires tanks installed at contaminated sites to have secondary containment with monitoring of the interstitial space. The stricken sentences referred to alternative tank systems that could be installed in place of secondary containment. The paragraph now only references the Iowa Comprehensive

Petroleum Underground Storage Tank Fund Board's authority to approve alternative tank systems.

In ITEM 11, subrule 135.8(3), paragraph "g" has been modified by adding "in the unsaturated zone" to define the underground zone soil contamination must be identified in the soil contamination plume map.

Subrule 135.8(3) paragraph "n" has been changed by removing the last sentence since the methodology for determining hydraulic conductivity is now specified.

Subrule 135.8(4), subparagraphs "b"(7) and "b"(13) have been changed by reducing the distance contaminated soil and groundwater must be from an active well from 2,000 feet to 1,000 feet for a site to be considered low risk. Two sentences have also been added to the end of the paragraph that allow a groundwater professional to demonstrate no impact by the contamination will occur to an active well due to site conditions.

Subrule 135.8(4), subparagraph "b"(12) has been changed by reducing the distance from 150 feet to 100 feet that a contamination plume can be from a natural or man-made conduit to a protected groundwater source and still be considered low risk .

Subrule 135.8(4), subparagraph "b"(14) has been stricken and replaced with a new subparagraph that more clearly states the requirements.

Subrule 135.8(4), subparagraph "e" has been modified by adding a new first sentence that states the department may hold informal negotiations to resolve disagreements concerning site risk classification. In the third sentence, "correction" was replaced with "corrective action" to correct a wording error.

The term "parts per million" when applied to soils in the rules has been changed to "mg/kg" (milligrams per kilogram) to more precisely define the term. This has occurred in Subparagraphs 135.8(4)"b"(4), (7) and (8), paragraphs 135.8(4)"c" and "d", and paragraph 135.8(5)"c".

A new ITEM 15 has been added that amends subrule 135.9(3), paragraph "a" by adding ethylbenzene as a compound that must be analyzed for in groundwater samples at the time of tank closure. Ethylbenzene was added to the chart of corrective action levels in new subrule 135.8(8) after a maximum contaminant level (MCL) was adopted in the drinking water standards. This paragraph was inadvertently not changed to agree with the new action level in subrule 135.8(8).

In addition, pursuant to Iowa Code section 17A.5, the commission finds these rules should be effective upon filing, February 21, 1992, as they confer a benefit on the public.

These rules are intended to implement 1991 Iowa Acts, Senate File 362, sections 5 and 6.

The following amendments are adopted:

ITEM 1. Amend rule 135.2 by deleting "aquifer" and adding the following new definitions:

"Best available technology" means those practices which most effectively remove, treat, or isolate contaminants from groundwater, soil or associated environment, as determined through professional judgement considering actual equipment or techniques currently in use, published technical articles, site hydrogeology and research results, engineering and groundwater professional reference materials, consultation with experts in the field, capital and operating costs, and guidelines or rules of other regulatory agencies.

"Best management practices" means maintenance procedures, schedule of activities, prohibition of practices, and other management practices, or a combination thereof, which, after problem assessment, is determined to be the most effective means of monitoring and preventing additional contamination of the groundwater and soil.

"Hydraulic conductivity" means the rate of water movement through the soil measured in meters per day(m/d) as determined by the following methods. For a saturated soil, the Bouwer-Rice method or its equivalent shall be used. For unsaturated soil, use a Guelph permeameter or an equivalent in situ constant-head permeameter in a boring finished above the water table. If an in situ method can not be used for unsaturated soil because of depth or if the soil is homogeneous and lacks flow-conducting channels, fractures, cavities, etc., laboratory measurement of hydraulic conductivity is acceptable.

If laboratory methods are used, collect undisturbed soil samples using a thin-walled tube sampler in accordance with American Society of Testing and Materials (ASTM) Standard D1587. Samples shall be clearly marked, preserved and transported to the laboratory. The laboratory shall measure hydraulic conductivity using a constant-head permeameter in accordance with ASTM Standard D2434 or a falling-head permeameter in accordance with accepted methodology.

"Protected groundwater source" means a saturated bed, formation, or group of formations which has a hydraulic conductivity of at least 0.44 meters per day(m/d) and a total dissolved solids of less than 2,500 milligrams per liter(mg/l).

"Site assessment investigation" means an investigation conducted by a registered groundwater professional to determine relevant site historical data, the types, amounts, and sources of petroleum contaminants present, hydrogeological characteristics of the site, full vertical and horizontal extent of the contamination in soils and groundwater, direction and rate of flow of the

contamination, ranges of concentration of the contaminants by analysis of soils and groundwater, the vertical and horizontal extent of the contamination exceeding department standards, and the actual or potential threat to public health and safety and the environment.

"Site cleanup report" means a written report, prepared by a registered groundwater professional, which includes all relevant information, methodologies, findings and conclusions from a site assessment investigation, site classification and recommended corrective action based on the site classification.

ITEM 2. Amend subrule 135.3(1) paragraph "e" as follows:

e. Certification of installation. All owners and operators must ensure that one or more of the following methods of certification, testing, or inspection is used to demonstrate compliance with paragraph "d" of this subrule by providing a certification of compliance on the UST notification form in accordance with 135.3(3).

(1) The installer has been certified by the tank or piping manufacturers; or

(2) The installer has been certified or licensed by the department Iowa petroleum underground storage tank fund board; or

(3) The installation has been inspected and certified by a registered professional engineer with education and experience in UST system installation; or

(4) The installation has been inspected and approved by the department an inspector certified or licensed by the Iowa petroleum underground storage tank fund board; or

(5) All work listed in the manufacturer's installation checklists has been completed; or

(6) The owner and operator have complied with another method for ensuring compliance with paragraph "d" that is determined by the department to be no less protective of human health and environment.

ITEM 3. Amend subrule 135.3(2) paragraph "a" as follows:

a. Alternatives allowed. Not later than December 22, 1998, all existing UST systems must comply with one of the following requirements:

(1) New UST system performance standards under 135.3(1);

(2) The upgrading requirements in paragraphs "b" and "d" below; or

(3) Closure requirements under 135.89(455B), including applicable requirements for corrective action under 135.7(455B) and 135.8(455B).

Replacement or upgrade of a tank on a petroleum contaminated site classified as a high or low risk in accordance with subrule 135.8(3) shall be a double wall tank or a tank equipped with a secondary containment system with

monitoring of the space between the primary and secondary containment structures in accordance with 135.5(4)"q" or other approved tank system or methodology approved by the Iowa petroleum underground storage tank fund board.

ITEM 4. Amend subrules 135.6(1) and 135.6(2) as follows:

135.6(1) Reporting of suspected releases. Owners and operators of UST systems must report to the department within 24 hours, or within 6 hours in accordance with 567-Chapter 131 if a hazardous condition exists as defined in 567-131.1(455B), or another reasonable time period specified by the department, and follow the procedures in ~~135-6(3)~~ 135.8(1) for any of the following conditions:

a. The discovery by owners and operators or others of released regulated substances at the UST site or in the surrounding area (such as the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface water).

b. Unusual operating conditions observed by owners and operators (such as the erratic behavior of product dispensing equipment, the sudden loss of product from the UST system, or an unexplained presence of water in the tank), unless system equipment is found to be defective but not leaking, and is immediately repaired or replaced; and

c. Monitoring results from a release detection method required under 135.5(2) and 135.5(3) that indicate a release may have occurred unless:

(1) The monitoring device is found to be defective, and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the initial results; or

(2) In the case of inventory control, a second month of data does not confirm the initial result.

135.6(2) Investigation due to off-site impacts. When required by the department, owners and operators of UST systems must follow the procedures in ~~135-6(3)~~ 135.8(1) to determine if the UST system is the source of off-site impacts. These impacts include the discovery of regulated substances (such as the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface and drinking waters) that has been observed by the department or brought to its attention by another party.

ITEM 5. Rescind and reserve existing subrule 135.6(3).

ITEM 6. Amend subrule 135.7(2) as follows:

135.7(2) Initial response. Upon confirmation of a release in accordance with ~~135-6(3)~~ 135.8(1) or after a release from the UST system is identified in any other manner, owners and operators must perform the following initial response actions within 24 hours of a release or within another reasonable period of time specified by the department.

ITEM 7. Amend subrule 135.7(3)"a"(5) as follows:

135.7(3)"a"(5) Measure for the presence of a release where contamination is most likely to be present at the UST site, unless the presence and the source of the release have been confirmed in accordance with the site check required by ~~135-6(3)"b"~~ 135.8(1) or the closure site assessment of ~~135-8(3)"a"~~ 135.9(3)"a". In selecting sample types, sample locations, and measurement methods, the owner and operator must consider the nature of the stored substance, the type of backfill, depth to groundwater and other factors as appropriate for identifying the presence and source of the release; and

ITEM 8. Amend subrule 135.7(5) as follows:

135.7(5) Free product removal. At sites where investigations under 135.7(3) "a"(6) indicate the presence of free product, owners and operators must remove the free product to the maximum extent practicable as determined by the department while continuing, as necessary, any actions initiated under 135.7(2) to 135.7(4), or preparing for actions required under ~~135-7(6)-and-135-7(7)~~ 135.8(455B). In meeting the requirements of this subrule, owners and operators must:

a. Conduct free product removal in a manner that minimizes the spread of contamination into previously uncontaminated zones by using recovery and disposal techniques appropriate to the hydrogeological conditions at the site, and that properly treats, discharges or disposes of recovery by-products in compliance with applicable local, state and federal regulations;

b. Use abatement of free product migration as a minimum objective for the design of the free product removal system;

c. Handle any flammable products in a safe and competent manner to prevent fires or explosions; and

d. Unless directed to do otherwise by the department, prepare and submit to the department, within 45 days after confirming the release, a free product removal report that provides at least the following information:

(1) The name of the person(s) responsible for implementing the free product removal measures;

(2) The estimated quantity, type, and thickness of free product observed or measured in the monitoring, boreholes, and excavations;

(3) A schematic and narrative description ~~The-type of the~~ free product recovery system used;

(4) Whether any discharge will take place on-site or off-site during the recovery operation and where this discharge will be located;

(5) A schematic and narrative description ~~The-type of the~~ treatment system applied-to, and the effluent quality expected from any discharge;

(6) The steps that have been or are being taken to obtain necessary permits for any discharge; and

- (7) Disposition of the recovered free product-;
- (8) Free product plume map; and
- (9) The estimated volume of free product present, how the volume was calculated, recoverable volume and estimated recovery time.

ITEM 9. Amend subrule 135.7(6) as follows:

135.7(6) Investigations-for-soil-and-groundwater
Conditions requiring site cleanup reports.

a. In order to determine the full extent and location of soils contaminated by the release, and the presence and concentrations of dissolved product contamination in the groundwater, and site risk classification and applicable corrective action response; owners and operators must conduct site assessment investigations of the release, the release site, and the surrounding area possibly affected by the release and prepare a site cleanup report, if any of the following conditions exist:

(1) There is evidence that groundwater wells or surface waters have been affected by the release (e.g., as found during release confirmation or previous corrective action measures);

(2) Free product is found to need recovery in compliance with 135.7(5);

(3) There is evidence that contaminated soils may be in contact with groundwater (e.g., as found during conduct of the initial response measures or investigations required under 135.7(1) to 135.7(5); and

(4) Data obtained during any investigation conducted at the site indicate the soil or groundwater contamination corrective action levels under 135.8(8) have been exceeded;

(5) There is evidence that petroleum substances or vapors are present, or have the potential to be present, in concentrations sufficient to be harmful to public health or cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined space; or

~~(4)~~ (6) The department requests an investigation the preparation of a site cleanup report, based on the potential effects of contaminated soil or groundwater on nearby surface-water the environment. and groundwater-resources;

b. The owners or operators must submit the information collected under paragraph "a" of this subrule as soon as practicable or in accordance with a schedule established by the department.

ITEM 10. Rescind subrules 135.7(7) through 135.7(10).

ITEM 11. Adopt a new rule 567--135.8(455B) and renumber existing rules 567--135.8(455B) and 567--135.9(455B) as 567--135.9(455B) and 567--135.10(455B), respectfully.
567--135.8(455B) Site cleanup report.

135.8(1) Release investigation and confirmation steps.
Unless corrective action is initiated in accordance with

rule 135.8(2)(455B), owners and operators must immediately investigate and confirm all suspected releases of regulated substances requiring reporting under 135.6(1) within seven days, or another reasonable time period specified by the department, using either the following steps or another procedure approved by the department:

a. System test. Owners and operators must conduct tests (according to the requirements for tightness testing in 135.5(4)"c" and 135.5(5)"b") that determine whether a leak exists in that portion of the tank that routinely contains product, or the attached delivery piping or both.

(1) Owners and operators must repair, replace or upgrade the UST system, and begin corrective action in accordance with rule 135.8(2) if the test results for the system, tank, or delivery piping indicate ~~the~~^{that} a leak exists.

(2) Further investigation is not required if the test results for the system, tank, and delivery piping do not indicate that a leak exists and if environmental contamination is not the basis for suspecting a release.

(3) Owners and operators must conduct a site check as described in paragraph "b" of this subrule if the test results for the system, tank, and delivery piping do not indicate that a leak exists but environmental contamination is the basis for suspecting a release.

b. Site check. Owners and operators must measure for the presence of a release where contamination is most likely to be present at the UST site. In selecting sample types, sample locations, and measurement methods, owners and operators must consider the nature of the stored substance, the type of initial alarm or cause for suspicion, the type of backfill, the depth of groundwater, and other factors appropriate for identifying the presence and source of the release.

(1) If the test results for the excavation zone or the UST site indicate that a release has occurred, owners and operators must begin corrective action in accordance with rule 135.7(455B) and 135.8(455B);

(2) If the test results for the excavation zone or the UST site do not indicate that a release has occurred, further investigation is not required.

135.8(2) General.

a. At any time after reviewing the information submitted in compliance with 135.7(2) to 135.7(4), the department may require owners and operators to submit additional information or to develop and submit a site cleanup report for responding to contaminated soils and groundwater. If a report is required, owners and operators must submit the report according to a schedule and form or format prescribed by the department. Alternatively, owners and operators may, after fulfilling the requirements of 135.7(2) to 135.7(4), choose to submit a site cleanup report for responding to

contaminated soil and groundwater. In either case, owners and operators are responsible for submitting a site cleanup report that provides adequate protection of human health, safety, and the environment on a form or in a format prescribed by the department. The report must be modified as necessary to meet these standards.

b. The site cleanup report must include, but not be limited to, a detailed discussion of the site assessment investigation procedures and findings, site risk categorization and the corrective or no action response recommendation. The site cleanup report must be submitted in a form or format prescribed by the department.

c. The department will approve the site cleanup report prepared by a registered groundwater professional after determining that implementation of the report will adequately protect human health, safety, and the environment.

135.8(3) Site assessment investigation procedures and findings. The following are the minimum requirements for reporting the results of the site assessment.

a. Site History. Summarization of current and past site ownership, operation, petroleum releases, events that led to the discovery of the contamination and current site status.

b. Topographic Map. A topographic map of the site and surrounding area developed from work done at the site, city surveys where available or USGS maps.

c. Groundwater Contour Map. A groundwater contour map of the site indicating the direction of groundwater flow is required. Groundwater contours and elevations at each data point used for contouring must be labeled. Contours must be consistent with observed water level elevations. It must include a description of groundwater flows and explain any anomalous water levels. Describe any fluctuations in the water level which may occur, with special emphasis on groundwater elevations and geological conditions which may alter the general groundwater gradient or flow directions.

d. Site Maps. Provide two site maps. Map #1 must show the site plan and immediate surrounding area (scale 1 inch = 20 to 50 feet). Map #2 must show the site in relation to general area features (scale 1 inch = 200 to 500 feet). The maps must show, but not be limited to:

(1) Location and content of existing and removed USTs, product lines and dispensers.

(2) Pertinent site features (i.e., buildings, roads, water wells, water ways, sinkholes, utility lines, etc.);

(3) Location of soil borings, monitoring wells and natural and man-made conduits and utility lines.

e. Evaluation of Natural and Man-made Conduits. An evaluation must be made of the potential for all natural and man-made conduits and utility lines located within 100 feet

from the contaminated groundwater or soil, to act as contaminant migration pathways.

f. Free Product Evaluation. A discussion of how free product was dealt with is required if it was identified at the site. If free phase product is encountered during on-site work, notify the department within 24 hours. Free product removal must be conducted in accordance with 135.7(5).

g. Soil Contamination Plume Maps. Provide contamination plume map or maps depicting the full extent of soils in the unsaturated zone exceeding the soil contamination corrective action level under 135.8(8) and the levels of contamination within the plume.

h. Soil Boring Data and Methodology. Identify and justify methods used to determine the site stratigraphy. Boring spacing must be sufficient to accurately portray site stratigraphy and delineate the outer edge of soil contamination exceeding the corrective action level under 135.8(8). Provide a log for each boring on a form or in a format prescribed by the department.

i. Soil Sampling Methodology. Define and explain the soil sampling methodology used during the assessment.

j. Groundwater Contamination Plume Maps. Provide groundwater contamination plume map or maps depicting the full extent of free phase product and dissolved phase contamination exceeding the groundwater corrective action levels under 135.8(8) and the levels of groundwater contamination within the plume. The monitoring well spacing will be dependent on site stratigraphy and must be sufficient to adequately define the extent of the contamination plume which exceeds the groundwater corrective action standards under 135.8(8).

k. Monitoring Well Construction Methodology and Design Standards. Describe monitoring well construction methodology and provide logs for all wells with design details illustrated.

l. Groundwater Sampling Methodology. Define and explain the groundwater sampling methodology used during the assessment.

m. Analytical Procedures. Provide copies and tabulations of all analytical results on a form or in a format prescribed by the department. The laboratory analytical result reporting format and analyses conducted must be provided in accordance with 135.10(455B).

n. Hydraulic Conductivity. Determine the hydraulic conductivity of subsurface materials at the site.

o. Hydrogeologic Cross Sections. Provide stratigraphically correlated hydrogeologic cross sections or three-dimensional diagrams which adequately define the spatial relationships of subsurface materials at the site. Ideally, the cross sections should illustrate the materials

in the contamination zone. The sections or diagrams must include, at a minimum, the identification of the types and characteristics of the geologic materials present, identification of the contact zones between different geologic materials, (noting zones of high permeability or fracture) and detailed borehole information including borehole location, depth of termination and the depth of zone of saturation.

p. Site Safety. On-site health and safety procedures must conform with applicable OSHA requirements.

q. Plugging Abandoned Wells and Soil Borings. All abandoned wells and borings that access groundwater must be plugged according to Chapter 567--39(455B). DNR Form 542-1226 must be completed and submitted to the department.

r. Leak Source Identification. Identify the source of the petroleum contamination at the site as required by 135.8(1). Provide copies of all analytical and tank and line tightness testing results and supporting field data.

s. Adjacent Property Owners. Include the names and addresses of adjacent property owners that may be affected by the petroleum contamination.

135.8(4) Site Risk Classification. Sites shall be classified as either high risk, low risk or no action required. The risk assessment and classification shall be based on the actual or potential threat to public health and safety and the environment and shall take into account relevant factors, including the presence of petroleum contamination in soils, groundwater, and surface waters, site geology and the effect conduits, barriers and separation distances have on the contamination. The site classification determination must be based on information obtained during the site assessment investigation, as well as historical and general site information.

a. Site Classification Factors. At a minimum, the following factors must be considered during the classification process when:

(1) Evaluating for the presence of contamination in soils, include the depth of existing contamination in relation to the ground surface, separation distance of the contamination zone from groundwater, and the morphology and variability of soils in the contamination zone.

(2) Evaluating for the presence of contamination in groundwater, include the depth of existing contamination in relation to the ground surface, depth of existing ~~contamination in relation to the ground water level,~~ groundwater flow direction and the relationship between the flow direction and the contamination zone, hydraulic and chemical properties of the protected groundwater source or saturated zone, groundwater uses and the relationship between the contaminated groundwater zone and deeper protected groundwater sources.

(3) Evaluating for the presence of contamination in surface water, include the location and separation distance from the contamination zone, groundwater system and groundwater flow direction.

(4) Evaluating the effects of conduits, barriers and distances on the contamination found in soils, groundwater and surface waters, include the effect of the contamination on such conduits as wells, utility lines, tile lines and drainage systems, the effect conduits have on contaminant transport, whether a well is active or abandoned, what function the utility conduit serves, the existence of barriers, (i.e., buildings, structures, pavement, natural, etc.) and the distance which separates the contamination found in soils, groundwater and surface waters from the conduits and barriers.

(5) The department shall decide the classification based on the recommendation and information provided by the groundwater professional.

b. High-risk classification. A site shall be classified high risk if any of the following conditions exist:

(1) The Threshold Limit Value-Time Weighted Average (TLV-TWA) for benzene in occupied structures exceeds or is likely to exceed 10 parts per million for more than 8 hours per day.

(2) The concentration of combustible gases in structures, basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or any other confined space exceeds or is likely to exceed 10% of the lower explosivity limit (LEL).

(3) The surface water quality criteria standards contained in subrule 567--61.3(455B) of the Iowa Administrative Code are exceeded or are likely to be exceeded due to a hydrogeologic connection between the surface water and the contamination zone.

(4) Petroleum contaminated soil exceeding 100 mg/kg total organic hydrocarbons is in contact with a utility trench carrying a PVC drinking water transmission line.

(5) The petroleum contamination in utility trenches exceeds the corrective action levels in 135.8(8).

(6) Petroleum contamination is present at concentrations, or concentrations are likely to occur, to cause or be likely to cause physical damage to a utility conduit or a structure.

(7) Soil with a total organic hydrocarbon level greater than 100 mg/kg is located within 1,000 feet of an active well used as a public or private water source. A site may be classified low risk if a groundwater professional can demonstrate the water source will not be impacted by the soil contamination to the extent that conditions in subrule 135.8(4)"b"(10) occur. Factors that must be considered in evaluating the impact of the remaining soil contamination include well depth, construction, radius of influence and

use; area hydrogeologic characteristics; soil permeability, transmissivity, and contamination concentrations and persistence; chemical characteristics, and migration potential of the released substance.

(8) Soil with a total organic hydrocarbon level greater than 100 mg/kg is located within the seasonal high groundwater level of a protected groundwater source or groundwater serving as a public or private water source.

(9) The petroleum release occurred in an area of fractured limestone or karst topography (i.e., topography formed on limestone, gypsum and other rocks by dissolution and characterized by sinkholes, caves and underground drainage). A site may be classified low risk if a groundwater professional can demonstrate that the protected groundwater sources in the area of the petroleum release will not be impacted by the contamination to the extent that conditions in subrule 135.8(4)"b"(10) occur. Factors that must be considered in evaluating the impact of the petroleum contamination include area hydrogeologic characteristics; separation distance between the contaminated zone and protected groundwater sources; soil permeability and transmissivity; overburden thickness and contamination concentrations; and the persistence, chemical characteristics and migration potential of the released substance.

(10) A public or private water supply is or is likely to be contaminated to the extent that a maximum contaminant level (as contained in subrule 567--41.3(455) of the Iowa Administrative Code), or in the absence of a maximum contaminant level, an action level (as defined by subrule 567--133.2(455B, 455E) of the Iowa Administrative Code) is exceeded.

(11) A protected groundwater source is contaminated to the extent that a maximum contaminant level (as contained in subrule 567--41.3(455) of the Iowa Administrative Code), or in the absence of a maximum contaminant level, an action level (as defined by subrule 567--133.2(455B, 455E) of the Iowa Administrative Code) is exceeded.

(12) The contaminated groundwater plume is within 100 feet of natural or man-made structures or conduits that would allow the vertical or horizontal migration of contaminants to a protected groundwater source that is used as a public or private water source.

(13) The contaminated groundwater plume is within 1,000 feet of an active well used as a public or private water source. A site may be classified low risk if a groundwater professional can demonstrate the water source will not be impacted by the groundwater contamination to the extent that conditions in subrule 135.8(4)"b"(10) occur. Factors that must be considered in evaluating the impact of the remaining water contamination include well depth, construction, radius

of influence and use; area hydrogeologic characteristics; soil permeability and transmissivity; and contamination concentrations and persistence, chemical characteristics, and migration potential of the released substance.

(14) The material separating groundwater serving as a public or private water source or which is a protected groundwater source from soil with a total organic hydrocarbon level greater than 100 mg/kg which has a hydraulic conductivity greater than 10^{-4} meters per day. The separating material must have a hydraulic conductivity less than or equal to 10^{-4} meters per day, a minimum thickness of three meters, and be free of subsurface discontinuities between the contamination zone and the groundwater for the site to be not classified high risk.

A site can be classified low risk if a groundwater professional can demonstrate with hydrogeological and risk assessment data that the separating material will prevent or inhibit the migration of contaminants to the groundwater to the extent that a maximum contaminant level (as contained in rule 567--41.3(455) of the Iowa Administrative Code) or in the absence of a maximum contaminant level an action level (as defined in rule 567--133.2(455B, 455E) of the Iowa Administrative Code) will not be exceeded. A sufficient number of measurements of the hydraulic conductivity shall be made to accurately identify the hydrogeologic conditions of the separating material under the full areal extent of the contamination zone. Measurements shall be made at a minimum of two locations. The distance between adjacent measurement locations shall not exceed 100 feet. The department may require additional measurements based on the hydrogeologic complexity of the site.

c. Low risk classification. A site shall be classified low risk if the soil total organic hydrocarbon concentration exceeds 100 mg/kg or the groundwater contamination concentrations exceed a maximum contaminant level (as contained in subrule 567--41.3(455) of the Iowa Administrative Code), or in the absence of a maximum contaminant level an action level (as defined by subrule 567--133.2(455B, 455E) of the Iowa Administrative Code) but high risk conditions do not exist and are not likely to occur.

d. A site shall be classified as no action required if the soil total organic hydrocarbon concentration is equal to or less than 100 mg/l or the groundwater contamination concentrations is equal to or less than a maximum contaminant level (as contained in subrule 567--41.3(455) of the Iowa Administrative Code) or in the absence of a maximum contaminant level an action level (as defined by subrule 567--133.2(455B, 455E) of the Iowa Administrative Code) and high or low risk conditions do not exist and are not likely to occur.

e. Reclassification. The department may hold informal negotiations to resolve disagreements concerning a site risk classification. Sites shall be reclassified to higher or lower risk classification if any of the conditions under 155.8(4)'b', 'c' or 'd' occur. A site classified as high risk due only to vapor concentrations stated in subparagraphs 135.8(4)"b" (1) and (2), may be reclassified as a low risk site if a permanent solution other than remediation has resulted in at least one year of vapor free conditions. Sites classified as high risk due only to soil contamination stated in subparagraphs 135.8(4)"b" (4), (5), or (6), may be reclassified as a low risk site if all soils exceeding a corrective action level is removed for a distance of at least 50 feet from the conduit and replaced with a compacted clay or other soil having a hydraulic conductivity not greater than 10^{-5} meters per day.

135.8(5) Corrective action response. The best available treatment technology or best management practices available to address the contamination at the site must be identified. The recommended best available treatment technology or best management practices must be consistent with the site risk classification. The corrective action response shall be in a form or format prescribed by the department and include, but not be limited to, the following:

a. Identification of the phases, phase volumes and concentrations of contamination present at the site resulting from the release of petroleum product from underground storage tanks.

b. Classification of site risk in accordance with the criteria cited under 135.8(4)'b', 'c' or 'd', accompanied by supporting documentation and a detailed explanation and justification of the rationale used to make the determination.

c. Sites classified as high risk shall be remediated to the extent that the groundwater does not exceed a maximum contaminant level (as contained in subrule 567--41.3(455) of the Iowa Administrative Code) or in the absence of a maximum contaminant level an action level (as defined by subrule 567--133.2(455B, 455E) of the Iowa Administrative Code) and the soil does not exceed 100 mg/kg total organic hydrocarbons, or alternative levels approved by the department.

d. Sites classified as low risk shall be subject to best management practices which will include contamination ~~monitoring conducted according to the following schedule.~~ Sites shall be monitored according to the previous higher monitoring schedule as established by this subrule if at any time the contamination concentration has increased or moved by a significant amount:

(1) Up to three times per year from years one through three.

(2) Up to two times per year from years four through six.
(3) One time per year from years seven through nine.
(4) In the twelfth year the site shall be monitored one time. The site shall be reclassified as a no action site if there has been no significant increase in concentration or movement of the contamination.

e. For sites classified as high risk, identify at least two practically applicable treatment technologies available to address the contamination at the site. Include cost estimates for each technology with a breakdown of capital, operation and maintenance costs. Explain the environmental and public health benefits, and the estimated time of cleanup of all contamination phases for each technology option being considered.

f. Selection of corrective action treatment technology. Select and provide a detailed justification for implementing the best available treatment technology. An innovative design selection must be accompanied by system operational and technical data that will support the best available treatment technology selection.

g. For sites classified as low risk, provide a best management practices plan. The plan must include maintenance procedures, schedule of activities, prohibition of practices, and other management practices, or a combination thereof, which, after problem assessment, are determined to be the most effective means of monitoring and preventing additional contamination of the groundwater and soil. The plan will also contain a contamination monitoring proposal as required under 135.8(5)'d' containing sufficient sampling points to assure the detection of any significant movement of or increase in contaminant concentration.

h. Provide a discussion of the measures taken to repair, upgrade or close leaking underground storage tanks and piping systems.

i. Free product removal must be conducted as required under 135.7(5).

135.8(6) Site cleanup report approval.

a. The department will approve the site cleanup report upon determination that implementation of the corrective action response will adequately protect human health, safety, and the environment. In making this determination, the department will consider the following factors as appropriate:

(1) The physical and chemical characteristics of the regulated substance, including its toxicity, persistence and potential for migration;

(2) The hydrological and hydrogeological characteristics of the site and the surrounding area;

(3) The proximity, quality, and current and future uses of nearby surface water and groundwater;

(4) The potential effects of the residual contamination on nearby surface water and groundwater;

(5) An exposure assessment; and

(6) Any information assembled in compliance with this rule.

b. Upon approval of the site cleanup report or as directed by the department, owners and operators must implement the corrective action recommendations, including any modifications required by the department. Owners and operators must monitor, evaluate, and report the results of corrective action activities in accordance with the schedule and on a form or in a format required by the department.

c. The department may, in the interest of minimizing environmental or public health risks and promoting a more effective cleanup, require owners and operators to begin cleanup of soil and groundwater before the site cleanup report is approved.

135.8(7) Public participation.

a. For each confirmed release that is classified as high or low risk, the department must provide notice to the public by means designated to reach those members of the public directly affected by the release and the recommended corrective action response. This notice may include, but is not limited to, public notice in local newspapers, block advertisements, public service announcements, publication in a state register, letters to individual households, or personal contacts by the staff.

b. The department must insure that site release information and decisions concerning the site cleanup report are made available to the public for inspection upon request.

c. Before approving the site cleanup report, the department may hold a public meeting to consider comments on the proposed corrective action response if there is sufficient public interest, or for any other reason.

d. The department must give a public notice that complies with paragraph "a" above if the implementation of the approved site cleanup report does not achieve the established cleanup levels in the report and the termination of that report is under consideration by the department.

135.8(8) Contamination Corrective Action Levels. The following corrective action levels apply to petroleum contamination as regulated by this chapter. The contaminant concentrations must be determined by laboratory analysis as stated in 135.10. Final cleanup determination is not limited to these contaminants.

	Total Organic Hydrocarbon as products stored (TOH)	Benzene	Toluene	Xylene	Ethyl- benzene
Soil	100 mg/kg	-----	-----	-----	-----

Groundwater ----- 5 ug/L 2,420 ug/L 12,000 ug/L 700 ug/L

135.8(9) Certificates.

a. Monitoring certificate. The department of natural resources will issue a monitoring certificate to the owner of an underground storage tank site classified as low risk. The monitoring certificate will be valid until the site is reclassified to a high risk or no action required site. A site which has been issued a monitoring certificate shall not be eligible to receive a certificate evidencing completion of remediation until the site is reclassified as no action required. The monitoring certificate will be invalidated and the site reclassified to high risk if it is determined by the department that the owner of the site is not in compliance with the requirements specified in the monitoring certificate.

b. Certificate of completion of site remediation. Upon written request of an underground storage tank owner, the department of natural resources will issue a certificate to the owner evidencing completion of a remedial action by cleaning the site to then current standards or alternative levels as determined by the department. The following conditions apply:

(1) The written request to the department for the certificate must be made after receiving the department's letter acknowledging compliance with the current standards or alternative levels as approved by the department.

(2) The certificate will be issued if the department does not order further remediation work to be performed within 90 days of the department's letter acknowledging compliance with current standards or alternative standards as approved by the department.

(3) A person issued a certificate shall not be required to perform further remediation.

(4) The certificate shall not prevent the department from ordering remediation of a new release or a release of a regulated substance from an unregulated tank.

(5) The certificate will not constitute a warranty of any kind to any person as to the condition, marketability or value of the described property.

ITEM 12. Amend renumbered 135.10(3) as follows:

135.10(3) Analysis of soil and water for high volatile petroleum compounds (i.e. gasoline, benzene, toluene, xylene). Sample preparation and analysis shall be by Method OA-1, "Method for Determination of Volatile Petroleum Hydrocarbons (Gasoline)." revision 1/10/90 7/1/91, University Hygienic Laboratory, Iowa City, Iowa. This method is based on U.S. EPA methods 5030, 8000, and 8015, SW-846, "Test Methods for Evaluating Solid Waste," 3rd Edition. Copies of Method OA-1 are available from the department.

ITEM 13. Amend renumbered 135.10(4) as follows:

135.10(4) Analysis of soil and water for low volatile petroleum hydrocarbon contamination(i.e. all grades of diesel fuel, fuel oil, kerosene, oil, mineral spirits). Sample preparation and analysis shall be by Method OA-2, "Determination of Extractable Petroleum Products (and Related Low Volatility Organic Compounds)," revision 1/10/90 7/1/91, University Hygienic Laboratory, Iowa City, Iowa. This method is based on U.S. EPA methods 3500, 3510, 3520, 3540, 3550, 8000, and 8100, SW-846, "Test Methods for Evaluating Solid Waste," 3rd Edition. Copies of Method OA-2 are available from the department.

ITEM 14. Due to the adoption of a new rule 135.8, the rescission of subrules 135.7(7) through 135.7(10) the rescission and redesignation of 135.6(3) and the renumbering of former rules 135.8 and 135.9, all rules in chapter 135 referencing these renumbered rules have been amended accordingly. These are considered technical and not substantive changes.

Renumber and change the following references:

Subrule 135.1(3), paragraph "c" first sentence - renumber 135.8(455B) to 135.9(455B).

Subrule 135.3(2), subparagraph "a"(3) - renumber 135.8(455B) to 135.9(455B); change 135.7(455B) to "135.7(455B) and 135.8(455B)".

Subrule 135.4(5), subparagraph "a"(3) - renumber 135.7(7) to 135.8; subparagraph "a"(4) - renumber 135.8(2) to 135.9(2); subparagraph "b"(5) - renumber 135.8(5) to 135.9(5); in "Note" - renumber 135.8(5) to 135.9(5).

Subrule 135.5(1), paragraph "d" - renumber 135.8(455B) to 135.9(455B).

Subrule 135.5(2), subparagraph "a"(2) - renumber 135.8(2) to 135.9(2).

Subrule 135.6(4), paragraph "a" end of first sentence - change 135.7(455B) to "135.7(455B) and 135.8(455B)".

Subrule 135.7(3), subparagraph "a"(5) - renumber 135.6(3)"b" to 135.8(1); renumber 135.8(3)"a" to 135.9(3)"a".

Renumbered subrule 135.9(1), paragraph "a" second sentence - change 135.7(455B) to "135.7(455B) and 135.8(455B)"; paragraph "c" - renumber 135.8(2) to 135.9(2); renumber 135.8(5) to 135.9(5); renumber 135.8(3) to 135.9(3).

Renumbered subrule 135.9(2), paragraph "a" - renumber 135.8(3) to 135.9(3); paragraph "c" - renumber 135.8(3) to 135.9(3); in Note - renumber 135.8(2) to 135.9(2).

Renumbered subrule 135.9(3), paragraph "g" third sentence - change 135.7(455B) to "135.7(455B) and 135.8(455B)"; paragraph "g," second paragraph - renumber 135.8(4) to 135.9(4).

Renumbered Subrule 135.9(4), paragraph "a" - renumber 135.8(3) to 135.9(3); paragraph "c" - renumber 135.8(3)"a"

to 135.9(3)"a"; paragraph "d" - renumber 135.8(3)"b" to 135.9(3)"b"; paragraph "e" - renumber 135.8(3)"e" to 135.9(3)"e".

Renumbered subrule 135.9(6), second sentence - renumber 135.8(3) to 135.9(3).

ITEM 15. Amend renumbered subrule 135.9(3), paragraph "a" as follows:

a. Before permanent closure or a change in service is completed, owners and operators must measure for the presence of a release where contamination is most likely to be present at the UST site. In selecting the sample types, sample locations, and measurement methods, the owners and operators must consider the method of closure, the nature of the stored substance, the type of backfill, the depth to groundwater, and other factors appropriate for identifying the presence of a release.

At petroleum UST sites, the minimum parameters that must be analyzed for are:

1. Soil samples must be analyzed for total organic hydrocarbon (TOH) as the product stored in the tank;
2. Groundwater samples must be analyzed for benzene, toluene, ethylbenzene, and xylene with each compound reported separately.

All such samples shall be collected separately and shipped to a qualified laboratory within 72 hours of collection. Samples shall be refrigerated and protected from freezing during shipment to the laboratory.

DATE

Larry Wilson, Director

Mr. Stokes explained that rather than going for cleanup of all sites where there is contamination, these rules discuss ranking of sites by the perceived degree of risk posed to public health, safety and the environment. He noted that the rules are provided for information today and the Commission will be asked to take action in a teleconference meeting on February 20.

Rozanne King asked if there is a preposition missing after the word contamination, in paragraph 2, page 2.

Mr. Stokes noted that he will check on the language in that section.

Nancylee Siebenmann suggested that in the Response to Comments, first line on page 4, the words "most effectively" should maybe be changed to "most appropriately."

Mr. Stokes explained that the same intent is there but there would be no problem with changing the language.

Rozanne King pointed out a typographical error on page 8.

This was an informational item; no action was required.

CONTESTED CASE DECISION APPEAL-- IBP, inc.

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

On August 2, 1990, the department issued Administrative Order 90-WW-27 to IBP, inc. That action required IBP, inc. to comply with effluent limitations contained in NPDES Permit 58-00-1-00, which was issued simultaneously with the Order. That action was appealed and the matter proceeded to administrative hearing on August 6, 1991. The Administrative Law Judge issued the Proposed Findings of Fact, Conclusions of Law, and Order on September 25, 1991. The decision affirms the Order and permit conditions.

IBP, inc. has appealed this order to the Commission. The Proposed Decision, and pertinent documents have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Mr. Murphy stated that IBP had previously requested to address the Commission but due to an emergency at their facility they cannot attend. He added that IBP agreed with staff to go ahead

with the item to prevent further delay of the issue. Mr. Murphy presented an overview of issues in this case.

Discussion followed regarding IBP's request for split discharge flow limits to the Cedar and Iowa Rivers and the department's response to same.

Clark Yeager asked if IBP is going to be able to meet their permit requirements.

Mr. Murphy responded that they are in the process of constructing facility improvements that will enable them to meet their limits. He added that IBP would like the baseline (lowest limits) to be established at a little higher level.

Motion was made by Rozanne King to affirm the Administrative Law Judge's decision. Seconded by Nancylee Siebenmann. Motion carried unanimously.

CONTESTED CASE DECISION APPEAL-- KEY CITY COAL GAS SITE

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

On July 2, 1990, the department issued a Notice of Intent to Include Property on Registry of Confirmed Abandoned or Uncontrolled Disposal Sites to Howard Pixler and Murphy Trust, the owners of respective parts of the property in question. That action was appealed and the matter proceeded to administrative hearing on April 30, 1991. The Administrative Law Judge issued the Proposed Findings of Fact, Conclusions of Law, and Order on July 25, 1991. The decision affirmed the Notice of Intent.

Howard Pixler has appealed this decision to the Commission. Murphy Trust did not appeal the decision to the Commission, but sought Judicial Review in Iowa District Court. The action by Murphy Trust was dismissed by the District Court for failure to exhaust administrative remedies. Murphy Trust then filed a Motion to Intervene in the pending appeal of Mr. Pixler before the Commission. The Motion, Mr. Pixler's Consent to Intervention, and the Department's Resistance to the Motion are attached. It is anticipated that Pixler's appeal will be brought to the Commission next month for decision. Prior to that, the Commission must rule on the Murphy Trust Motion to Intervene. The Commission may grant or deny the Motion.

Mr. Murphy stated that this case involves the Motion to Intervene by Murphy Trust in the pending appeal by Howard Pixler. He related that it involves one site with two property owners, which the department asserts should be on the Registry of Abandoned and Uncontrolled Disposal Sites. The matter proceeded to hearing and

the Administrative Law Judge (ALJ) upheld the department's decision. Mr. Pixler filed an appeal to the Commission but Murphy Trust did not choose that course and instead appealed to the District Court. District Court threw out the appeal saying that they should have gone through the administrative process. Mr. Murphy stated that the Pixler's have consented to the intervention but the department is resisting it.

Chairperson Hartsuck stated that he is the Director of Midwest Resources, the parent company of Midwest Gas, and since there may be a possible conflict of interests he will abstain from discussion and vote on this item. He then yeilded the Chair to Vice-Chairperson Yeager.

APPOINTMENT - RICHARD JENKINS

Richard Jenkins, Counsel for Murphy Trust, stated that the Notice of Intent to list this site on the registry was jointly addressed to Howard Pixler and Murphy Trust. Those two entities comprise the property owners, and the appendix to the notice contained a legal description encompassing both properties. Mr. Jenkins stated that based on the notice to place the property on the registry, both parties filed separate appeals and it was handled in a contested case before an ALJ. The Decision and Order was issued on July 25, 1991. He stated that at that point there was a 30-day period to file some sort of an appeal if they were not satisfied with the ALJ preliminary findings. Mr. Pixler decided to file an appeal through the administrative channels to the EPC. Based on research and interpretation of 455B.429, it was Murphy Trust's opinion that immediate judicial review of the decision could be pursued in the sense that nothing was finally issued by the DNR in this matter other than the proposed findings issued by the ALJ, which after 30 days, by law, becomes a final decision. That position was taken and Murphy Trust felt it merited filing a petition in Polk County District Court. The DNR filed a Resistance and Motion to Dismiss arguing that adequate administrative remedies had not been pursued by Murphy Trust. Mr. Jenkins noted that because of interpreting what adequate administrative remedies are, in the sense that the SAUSR procedures had been used by the department to classify this case and was contested at the contested case procedure, it was felt that judicial review was merited. Also, because the department is now pursuing rulemaking to establish procedures for proper classification of sites. He stated that Murphy Trust had advised the department within 30 days of it's dissatisfaction with the preliminary decision of the ALJ, and that there were reasons to pursue judicial review. Based upon the dismissal by Judge Needles and the fact that Howard Pixler opted to follow an administrative appeal route, there is a pending appeal to determine whether or not the classification of the property as a Class B site was appropriate. That property is noticed in the

Notice of Intent as one property legally described, owned by Howard Pixler and Murphy Trust. Mr. Jenkins argued that, therefore, Murphy Trust should be allowed to intervene primarily because the property is partially owned by Murphy Trust and the determination on the Pixler property actually affects Murphy Trust property. He expanded on various reasons why Murphy Trust should be allowed to intervene. In conclusion, Mr. Jenkins asked the Commission's approval to proceed to appeal the original determinations established by the ALJ.

Clark Yeager commented that it is difficult to understand why the department would resist intervention.

Mr. Murphy stated that Murphy Trust chose the wrong course of appeal and is now trying to get in through another mechanism.

Nancylee Siebenmann stated that once they appealed through the District Court they made their decision, and the time frame for appeal to the administrative process is set by the court and the Commission would be overstepping their jurisdiction to allow intervention.

Motion was made by Nancylee Siebenmann to deny Murphy Trust intervention into the Pixler appeal. Seconded by William Ehm. Motion carried unanimously.

Acting Chairperson Yeager returned the Chair to Commissioner Hartsuck.

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

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- a. Rottler Farms (Butler County) - wastewater
 - b. Central Baptist Church (Council Bluffs) - penalty
 - c. John Hosch (Jones County) - penalty/wastewater

- d. Vincent Martinez (Davenport) - penalty/solid waste/air
- e. Vernus Wunschel (Ida Grove) - penalty/tank closure
- f. Dilts Trucking, Inc. (Crescent) - penalty/tank closure
- g. Fred Boley, d/b/a Boley Oil (McCausland) - site cleanup
- h. Amana Colonies Golf Course, Inc. (Middle Amana) - wastewater

Rottler Farms

Mr. Murphy briefed the Commission on the history of this case.

Motion was made by Gary Priebe for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.

Central Baptist Church

Mr. Murphy briefed the Commission on the history of this case.

Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Nancy Lee Siebenmann. Motion carried unanimously.

John Hosch

Mr. Murphy briefed the Commission on the history of this case.

Motion was made by Rozanne King for referral to the Attorney General's Office. Seconded by Charlotte Mohr. Motion carried unanimously.

Vince Martinez

Mr. Murphy briefed the Commission on the history of this case.

Motion was made by Nancy Lee Siebenmann for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.

Vernus Wunschel

Mr. Murphy briefed the Commission on the history of this case.

Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.

Dilt's Trucking, Inc.

Mr. Murphy briefed the Commission stating that Mr. Dilt has done most of what was asked of him and staff is asking that this case be tabled for 30 days to work out an agreement.

Motion was made by William Ehm to table the Dilt's Trucking referral until the next meeting. Seconded by Charlotte Mohr. Motion carried unanimously.

Fred Boley, d-b-a Boley Oil

Mr. Murphy briefed the Commission on the history of this case.

Motion was made by Nancy Lee Siebenmann for referral to the Attorney General's Office. Seconded by Clark Yeager. Motion carried unanimously.

ELECTROMAGNETIC FIELDS SEMINAR - REPORT

Nancy Lee Siebenmann reported that after attending an Electromagnetic Fields seminar she came away with a much better knowledge and respect for the fact that this may be one of the newest environmental frontiers the department may be dealing with. She stated that one of the speakers, Gregory Roush, reported that there are significant releases of electromagnetic energy from transmission lines as well as interior appliances, including fluorescent bulbs.

David Carpenter, M.D., spoke on the epidemiological research on health issues dealing with electromagnetic fields. He noted that electromagnetic fields do have proven biologic effects and expanded on same.

Linda Erdreich, Ph.D. gave a presentation on both sides of the issue relating that the study does not lend itself to regulation as there is still much research to be done. She also spoke about the prudent avoidance approach.

REFERRALS TO THE ATTORNEY GENERAL (Continued)

Amana Colonies Golf Course

Mr. Murphy described the golf course complex and noted that waste from all of the facilities was to be treated in a two-cell area lagoon. Through a complaint received last summer it was discovered that some of the facilities were operating and wastewater was being collected in an earthen structure, basically a hole in the ground. An Administrative Order was issued in September 1991, directing that operation cease and the structure

be cleaned out. The facility was advised that they could continue operation if they collected waste in an above ground tank on a temporary basis, then transport the wastes to a permitted facility. The Order included a penalty which has been paid, and the Order was not appealed. Mr. Murphy noted that during an inspection in November 1991, it was discovered that the tank which was supposed to be an above ground tank was in a depression in the ground and waste was either overflowing or not even getting to it. Also, the previous earthen structure had not been completely cleaned out as previously directed. Mr. Murphy added that inspection was again done on January 29, 1992, and the original earthen pit and the pit containing the tank had been filled in. He related that the urgency of the matter has diminished but there were violations that justify referral.

APPOINTMENT - MIKE HART

Mike Hart, Hart Engineering, addressed the Commission stating that the facility contained the Pro Shop and two condominiums at the time of the Administrative Order. He added that Ken Allison is the groundsperson who normally takes care of the waste problem and he was on vacation. There is a pump station at the Pro Shop which is normally turned on and off by Mr. Allison. In Mr. Allison's absence, staff at the Pro Shop saw backflow conditions inside the basement of the facility and they then turned on the lift station. Mr. Hart stated that the facility has records showing that they have been hauling on a regular basis but because of the muddy area it is sometimes difficult to reach the area. He noted that the facility has been closed since the first part of November. He added that there may have been some vandalism as a temporary pipe was pulled off the force main and into the tank. Mr. Hart indicated that everything has been pumped out and the area has been cleaned up. He explained delays in getting it done and related that they expect completion of the construction by June 1992.

Brief discussion followed.

Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.

GENERAL DISCUSSION

William Ehm discussed a phone call he received from the city of Creston regarding a stormwater discharge permit.

Brief discussion took place regarding Linwood Mining.

Discussion took place regarding Hollis DeVoe's operation and permits, tire shredders, tire charges by dealer and hauler, and tire storage.

There was brief discussion on the suit by Environmental Advocates Law Center.

Director Wilson distributed copies of the department's Annual Report for FY 91.

NEXT MEETING DATES

March 16, 1992
April 20, 1992
May 18, 1992

ADJOURNMENT

*Motion was made by William Ehm to adjourn the meeting.
Seconded by Nancy Lee Siebenmann. Motion carried unanimously.*

With no further business to come before the Environmental Protection Commission, Chairperson Hartsuck adjourned the meeting at 2:45 p.m., Monday, February 17, 1992.


Larry J. Wilson, Director


Richard Hartsuck, Chairperson


Nancy Lee Siebenmann, Secretary

February 1992

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